

Continuing Legislative Review

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Today's column is the fourth installment of our annual review of the new laws affecting community associations and will continue our review of the new laws affecting cooperatives, which will become effective July 1, 2018. So far we have looked at changes to the Cooperative Act involving official records and board member eligibility.

Cooperative Meeting Notices

- Removes the requirement that the notice of any meeting at which regular or special assessments are to be considered must include the "nature" of the purposes for such assessments. The new law provides that the notice must specifically state that assessments will be considered and provide the "estimated cost and description of the purposes for such assessments."
- In addition to any of the authorized means of providing notice of a board meeting or owners' meeting, the association may, by rule, adopt a procedure for conspicuously posting meeting notices and the agenda on a website serving the association for at least the minimum period of time for which a notice of a meeting is also required to be physically posted on the cooperative property. Any rule adopted shall, in addition to other matters, include a requirement that the association send an electronic notice in the same manner as a notice for a meeting of the members, which must include a hyperlink to the website where the notice is posted, to unit owners whose e-mail addresses are included in the association's official records.
- A unit owner who consents to receive notice by electronic transmission is solely responsible for removing or bypassing filters that block receipt of mass emails sent to members on behalf of the association in the course of giving electronic notices.

Cooperative Common Expenses For Communication Services

- Amends the law to allow cooperative associations to enter into bulk contracts for communications services as defined in chapter 202, information services or Internet services, and such costs shall be deemed a common expense.

Cooperative Fining And Suspension Procedure

- Amends the fining and suspension procedures to require that the fining committee be composed of at least three members appointed by the board who are not officers, directors, or employees of the association, or the spouse, parent, child, brother, or sister of an officer, director or employee.
- Requires the committee to approve the fine or suspension by “majority vote” in order for the fine or suspension to be imposed.
- If the proposed fine or suspension is approved by the committee, the fine payment is due 5 days after the date of the committee meeting at which the fine is approved.
- The association must provide written notice of the fine or suspension by mail or hand delivery to the unit owner, and if applicable, to any tenant, licensee, or invitee of the unit owner.

Next week we will continue with review of the changes applicable homeowners' associations.

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