

26 | timeframe; requiring an association to assist in a law
27 | enforcement investigation as allowed by law; requiring
28 | certain associations to prepare audited financial
29 | statements; prohibiting associations from preparing
30 | financial statements for consecutive fiscal years;
31 | prohibiting certain persons from using a debit card
32 | issued in the name of the association for certain
33 | purposes; providing a criminal penalty; defining the
34 | term "lawful obligation of the association"; amending
35 | s. 720.3033, F.S.; providing education requirements
36 | for newly elected or appointed directors; providing
37 | requirements for the educational curriculum; requiring
38 | certain directors to complete a certain number of
39 | hours of continuing education annually; requiring the
40 | Department of Business and Professional Regulation to
41 | adopt certain rules; providing criminal penalties for
42 | certain actions by an officer, a director, or a
43 | manager of an association; defining the term
44 | "kickback"; requiring a vacancy to be declared if a
45 | director or an officer is charged by information for
46 | any criminal violation under the chapter; amending s.
47 | 720.3035, F.S.; requiring an association or any
48 | architectural, construction improvement, or other such
49 | similar committee of an association to apply and
50 | enforce certain standards reasonably and equitably;

51 requiring an association or any architectural,
 52 construction improvement, or other such similar
 53 committee of an association to provide certain written
 54 notice to a parcel owner; amending s. 720.3085, F.S.;
 55 conforming a cross-reference; amending s. 720.317,
 56 F.S.; providing that a homeowner may consent to online
 57 voting electronically, as well as in writing, and that
 58 association boards must establish reasonable
 59 procedures for giving such consent; providing an
 60 effective date.

61

62 Be It Enacted by the Legislature of the State of Florida:

63

64 Section 1. Subsection (3) is added to section 468.4334,
 65 Florida Statutes, to read:

66 468.4334 Professional practice standards; liability;
 67 community association manager requirements.—

68 (3) A community association manager or community
 69 association management firm that is authorized by contract to
 70 provide community association management services to a
 71 homeowners' association must do all of the following:

72 (a) Attend in person at least one member meeting or board
 73 meeting of the homeowners' association annually.

74 (b) Provide to the members of the homeowners' association
 75 the name and contact information for each community association

76 manager or representative of a community association management
 77 firm assigned to the homeowners' association, the manager's or
 78 representative's hours of availability, and a summary of the
 79 duties for which the manager or representative is responsible.
 80 The homeowners' association must also post this information on
 81 the association's website or application required under s.
 82 720.303(4) (b). The community association manager or community
 83 association management firm must update the homeowners'
 84 association and its members within 14 business days after any
 85 change to such information.

86 (c) Provide to any member upon request a copy of the
 87 contract between the community association manager or community
 88 association management firm and the homeowners' association and
 89 include such contract with association's governing documents.

90 Section 2. Section 468.4337, Florida Statutes, is amended
 91 to read:

92 468.4337 Continuing education.—The department may not
 93 renew a license until the licensee submits proof that the
 94 licensee has completed the requisite hours of continuing
 95 education. ~~No more than 10 hours of continuing education~~
 96 ~~annually shall be required for renewal of a license.~~ The number
 97 of continuing education hours, criteria, and course content
 98 shall be approved by the council by rule. The council may not
 99 require more than 10 hours of continuing education annually for
 100 renewal of a license. A community association manager who

101 provides community association management services to a
 102 homeowners' association must biennially complete at least 5
 103 hours of continuing education that pertains specifically to
 104 homeowners' associations, 3 hours of which must relate to
 105 recordkeeping.

106 Section 3. Subsections (4) and (5), paragraph (f) of
 107 subsection (6), and paragraphs (a) and (d) of subsection (7) of
 108 section 720.303, Florida Statutes, are amended, and subsection
 109 (13) is added to that section, to read:

110 720.303 Association powers and duties; meetings of board;
 111 official records; budgets; financial reporting; association
 112 funds; recalls.—

113 (4) OFFICIAL RECORDS.—

114 (a) The association shall maintain each of the following
 115 items, when applicable, for at least 7 years, unless the
 116 governing documents of the association require a longer period
 117 of time, which constitute the official records of the
 118 association:

119 1. ~~(a)~~ Copies of any plans, specifications, permits, and
 120 warranties related to improvements constructed on the common
 121 areas or other property that the association is obligated to
 122 maintain, repair, or replace.

123 2. ~~(b)~~ A copy of the bylaws of the association and of each
 124 amendment to the bylaws.

125 3. ~~(c)~~ A copy of the articles of incorporation of the

126 association and of each amendment thereto.

127 4.~~(d)~~ A copy of the declaration of covenants and a copy of
128 each amendment thereto.

129 5.~~(e)~~ A copy of the current rules of the homeowners'
130 association.

131 6.~~(f)~~ The minutes of all meetings of the board of
132 directors and of the members, ~~which minutes must be retained for~~
133 ~~at least 7 years.~~

134 7.~~(g)~~ A current roster of all members and their designated
135 mailing addresses and parcel identifications. A member's
136 designated mailing address is the member's property address,
137 unless the member has sent written notice to the association
138 requesting that a different mailing address be used for all
139 required notices. The association shall also maintain the e-mail
140 addresses and the facsimile numbers designated by members for
141 receiving notice sent by electronic transmission of those
142 members consenting to receive notice by electronic transmission.
143 A member's e-mail address is the e-mail address the member
144 provided when consenting in writing to receiving notice by
145 electronic transmission, unless the member has sent written
146 notice to the association requesting that a different e-mail
147 address be used for all required notices. The e-mail addresses
148 and facsimile numbers provided by members to receive notice by
149 electronic transmission must be removed from association records
150 when the member revokes consent to receive notice by electronic

151 transmission. However, the association is not liable for an
152 erroneous disclosure of the e-mail address or the facsimile
153 number for receiving electronic transmission of notices.

154 8.~~(h)~~ All of the association's insurance policies or a
155 copy thereof, ~~which policies must be retained for at least 7~~
156 ~~years.~~

157 9.~~(i)~~ A current copy of all contracts to which the
158 association is a party, including, without limitation, any
159 management agreement, lease, or other contract under which the
160 association has any obligation or responsibility. Bids received
161 by the association for work to be performed are ~~must also be~~
162 considered official records and must be kept for a period of 1
163 year.

164 10.~~(j)~~ The financial and accounting records of the
165 association, kept according to good accounting practices. ~~All~~
166 ~~financial and accounting records must be maintained for a period~~
167 ~~of at least 7 years.~~ The financial and accounting records must
168 include:

169 a.1. ~~Accurate, itemized, and detailed records of all~~
170 receipts and expenditures.

171 b.2. A current account and a periodic statement of the
172 account for each member, designating the name and current
173 address of each member who is obligated to pay assessments, the
174 due date and amount of each assessment or other charge against
175 the member, the date and amount of each payment on the account,

176 and the balance due.

177 ~~c.3.~~ All tax returns, financial statements, and financial
178 reports of the association.

179 ~~d.4.~~ Any other records that identify, measure, record, or
180 communicate financial information.

181 ~~11.(k)~~ A copy of the disclosure summary described in s.
182 720.401(1).

183 ~~12.(l)~~ Ballots, sign-in sheets, voting proxies, and all
184 other papers and electronic records relating to voting by parcel
185 owners, which must be maintained for at least 1 year after the
186 date of the election, vote, or meeting.

187 ~~13.(m)~~ All affirmative acknowledgments made pursuant to s.
188 720.3085(3)(c)3.

189 ~~14.(n)~~ All other written records of the association not
190 specifically included in this subsection which are related to
191 the operation of the association.

192 (b)1. By January 1, 2025, an association that has 100
193 parcels or more shall post a current digital copy of the
194 documents specified in subparagraph 3. on its website or make
195 such documents available through an application that can be
196 downloaded on a mobile device.

197 2. The association's website or application must be
198 accessible through the Internet and must contain a subpage, web
199 portal, or other protected electronic location that is
200 inaccessible to the general public and accessible only to parcel

201 owners and employees of the association.

202 3. A current copy of the following documents must be

203 posted in digital format on the association's website or

204 application:

205 a. The articles of incorporation of the association and

206 each amendment thereto.

207 b. The recorded bylaws of the association and each

208 amendment thereto.

209 c. The declaration of covenants and a copy of each

210 amendment thereto.

211 d. The current rules of the association.

212 e. A list of all current executory contracts or documents

213 to which the association is a party or under which the

214 association or the parcel owners have an obligation or

215 responsibility and, after bidding for the related materials,

216 equipment, or services has closed, a list of bids received by

217 the association within the past year.

218 f. The annual budget required by subsection (6) and any

219 proposed budget to be considered at the annual meeting.

220 g. The financial report required by subsection (7) and any

221 monthly income or expense statement to be considered at a

222 meeting.

223 h. The association's current insurance policies.

224 i. The certification of each director as required by s.

225 720.3033(1)(a).

226 j. All contracts or transactions between the association
 227 and any director, officer, corporation, firm, or association
 228 that is not an affiliated homeowners' association or any other
 229 entity in which a director of an association is also a director
 230 or officer and has a financial interest.

231 k. Any contract or document regarding a conflict of
 232 interest or possible conflict of interest as provided in ss.
 233 468.436(2)(b)6. and 720.3033(2).

234 l. Notice of any scheduled meeting of members and the
 235 agenda for the meeting, as required by s. 720.306, no later than
 236 14 days before such meeting. The notice must be posted in plain
 237 view on the homepage of the website or application, or on a
 238 separate subpage of the website or application labeled "Notices"
 239 which is conspicuously visible and linked from the homepage. The
 240 association must also post on its website or application any
 241 document to be considered and voted on by the members during the
 242 meeting or any document listed on the meeting agenda at least 7
 243 days before the meeting at which such document or information
 244 within the document will be considered.

245 m. Notice of any board meeting, the agenda, and any other
 246 document required for such meeting as required by subsection
 247 (3), which must be posted on the website or application no later
 248 than the date required for notice under subsection (3).

249 4. Upon written request by a parcel owner, the association
 250 must provide the parcel owner with a username and password and

251 access to the protected sections of the association's website or
252 application which contains the official documents of the
253 association.

254 5. The association shall ensure that the information and
255 records described in paragraph (5)(d), which are not allowed to
256 be accessible to parcel owners, are not posted on the
257 association's website or application. If protected information
258 or information restricted from being accessible to parcel owners
259 is included in documents that are required to be posted on the
260 association's website or application, the association must
261 ensure the information is redacted before posting the documents.
262 Notwithstanding the foregoing, the association or its authorized
263 agent is not liable for disclosing information that is protected
264 or restricted under paragraph (5)(d) unless such disclosure was
265 made with a knowing or intentional disregard of the protected or
266 restricted nature of such information.

267 (c) The association shall adopt written rules governing
268 the method or policy by which the official records of the
269 association are to be retained and for how long such records
270 must be retained pursuant to paragraph (a). Such information
271 must be made available to the parcel owners through the
272 association's website or application.

273 (5) INSPECTION AND COPYING OF RECORDS.—

274 (a) Unless otherwise provided by law or the governing
275 documents of the association, the official records must ~~shall~~ be

276 maintained within the state for at least 7 years and ~~shall~~ be
277 made available to a parcel owner for inspection or photocopying
278 within 45 miles of the community or within the county in which
279 the association is located within 10 business days after receipt
280 by the board or its designee of a written request from the
281 parcel owner. This subsection may be complied with by having a
282 copy of the official records available for inspection or copying
283 in the community or, ~~at the option of the association,~~ by making
284 the records available to a parcel owner electronically via the
285 Internet or by allowing the records to be viewed in electronic
286 format on a computer screen and printed upon request. If the
287 association has a photocopy machine available where the records
288 are maintained, it must provide parcel owners with copies on
289 request during the inspection if the entire request is limited
290 to no more than 25 pages. An association shall allow a member or
291 his or her authorized representative to use a portable device,
292 including a smartphone, tablet, portable scanner, or any other
293 technology capable of scanning or taking photographs, to make an
294 electronic copy of the official records in lieu of the
295 association's providing the member or his or her authorized
296 representative with a copy of such records. The association may
297 not charge a fee to a member or his or her authorized
298 representative for the use of a portable device.

299 (b)-(a) The failure of an association to provide access to
300 the records within 10 business days after receipt of a written

301 request submitted by certified mail, return receipt requested,
302 creates a rebuttable presumption that the association willfully
303 failed to comply with this subsection.

304 (c)~~(b)~~ A member who is denied access to official records
305 is entitled to the actual damages or minimum damages for the
306 association's willful failure to comply with this subsection.
307 The minimum damages are to be \$50 per calendar day up to 10
308 days, the calculation to begin on the 11th business day after
309 receipt of the written request.

310 (d) Any director or member of the board or association or
311 a community association manager who knowingly, willfully, and
312 repeatedly violates paragraph (a), with the intent of causing
313 harm to the association or one or more of its members, commits a
314 misdemeanor of the second degree, punishable as provided in s.
315 775.082 or s. 775.083. For purposes of this paragraph, the term
316 "repeatedly" means two or more violations within a 12-month
317 period.

318 (e) Any person who knowingly and intentionally defaces or
319 destroys accounting records during the period in which such
320 records are required to be maintained, or who knowingly or
321 intentionally fails to create or maintain accounting records
322 that are required to be created or maintained, with the intent
323 of causing harm to the association or one or more of its
324 members, commits a misdemeanor of the first degree, punishable
325 as provided in s. 775.082 or s. 775.083.

326 (f) Any person who willfully and knowingly refuses to
327 release or otherwise produce association records with the intent
328 to avoid or escape detection, arrest, trial, or punishment for
329 the commission of a crime, or to assist another person with such
330 avoidance or escape, commits a felony of the third degree,
331 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

332 (g)~~(e)~~ The association may adopt reasonable written rules
333 governing the frequency, time, location, notice, records to be
334 inspected, and manner of inspections, but may not require a
335 parcel owner to demonstrate any proper purpose for the
336 inspection, state any reason for the inspection, or limit a
337 parcel owner's right to inspect records to less than one 8-hour
338 business day per month. The association may impose fees to cover
339 the costs of providing copies of the official records, including
340 the costs of copying and the costs required for personnel to
341 retrieve and copy the records if the time spent retrieving and
342 copying the records exceeds one-half hour and if the personnel
343 costs do not exceed \$20 per hour. Personnel costs may not be
344 charged for records requests that result in the copying of 25 or
345 fewer pages. The association may charge up to 25 cents per page
346 for copies made on the association's photocopier. If the
347 association does not have a photocopy machine available where
348 the records are kept, or if the records requested to be copied
349 exceed 25 pages in length, the association may have copies made
350 by an outside duplicating service and may charge the actual cost

351 of copying, as supported by the vendor invoice. The association
352 shall maintain an adequate number of copies of the recorded
353 governing documents, to ensure their availability to members and
354 prospective members. Notwithstanding this subsection ~~paragraph~~,
355 the following records are not accessible to members or parcel
356 owners:

357 1. Any record protected by the lawyer-client privilege as
358 described in s. 90.502 and any record protected by the work-
359 product privilege, including, but not limited to, a record
360 prepared by an association attorney or prepared at the
361 attorney's express direction which reflects a mental impression,
362 conclusion, litigation strategy, or legal theory of the attorney
363 or the association and which was prepared exclusively for civil
364 or criminal litigation or for adversarial administrative
365 proceedings or which was prepared in anticipation of such
366 litigation or proceedings until the conclusion of the litigation
367 or proceedings.

368 2. Information obtained by an association in connection
369 with the approval of the lease, sale, or other transfer of a
370 parcel.

371 3. Information an association obtains in a gated community
372 in connection with guests' visits to parcel owners or community
373 residents.

374 4. Personnel records of association or management company
375 employees, including, but not limited to, disciplinary, payroll,

376 health, and insurance records. For purposes of this
377 subparagraph, the term "personnel records" does not include
378 written employment agreements with an association or management
379 company employee or budgetary or financial records that indicate
380 the compensation paid to an association or management company
381 employee.

382 5. Medical records of parcel owners or community
383 residents.

384 6. Social security numbers, driver license numbers, credit
385 card numbers, electronic mailing addresses, telephone numbers,
386 facsimile numbers, emergency contact information, any addresses
387 for a parcel owner other than as provided for association notice
388 requirements, and other personal identifying information of any
389 person, excluding the person's name, parcel designation, mailing
390 address, and property address. Notwithstanding the restrictions
391 in this subparagraph, an association may print and distribute to
392 parcel owners a directory containing the name, parcel address,
393 and all telephone numbers of each parcel owner. However, an
394 owner may exclude his or her telephone numbers from the
395 directory by so requesting in writing to the association. An
396 owner may consent in writing to the disclosure of other contact
397 information described in this subparagraph. The association is
398 not liable for the disclosure of information that is protected
399 under this subparagraph if the information is included in an
400 official record of the association and is voluntarily provided

401 by an owner and not requested by the association.

402 7. Any electronic security measure that is used by the
403 association to safeguard data, including passwords.

404 8. The software and operating system used by the
405 association which allows the manipulation of data, even if the
406 owner owns a copy of the same software used by the association.
407 The data is part of the official records of the association.

408 9. All affirmative acknowledgments made pursuant to s.
409 720.3085(3)(c)3.

410 (h)~~(d)~~ The association or its authorized agent is not
411 required to provide a prospective purchaser or lienholder with
412 information about the residential subdivision or the association
413 other than information or documents required by this chapter to
414 be made available or disclosed. The association or its
415 authorized agent may charge a reasonable fee to the prospective
416 purchaser or lienholder or the current parcel owner or member
417 for providing good faith responses to requests for information
418 by or on behalf of a prospective purchaser or lienholder, other
419 than that required by law, if the fee does not exceed \$150 plus
420 the reasonable cost of photocopying and any attorney fees
421 incurred by the association in connection with the response.

422 (i) If an association receives a subpoena for records from
423 a law enforcement agency, the association must provide a copy of
424 such records or otherwise make the records available for
425 inspection and copying to a law enforcement agency within 5

426 business days after receipt of the subpoena, unless otherwise
427 specified by the law enforcement agency or subpoena. An
428 association must assist a law enforcement agency in its
429 investigation to the extent permissible by law.

430 (6) BUDGETS.—

431 (f) After one or more reserve accounts are established,
432 the membership of the association, upon a majority vote at a
433 meeting at which a quorum is present, may provide for no
434 reserves or less reserves than required by this section. If a
435 meeting of the parcel ~~unit~~ owners has been called to determine
436 whether to waive or reduce the funding of reserves and such
437 result is not achieved or a quorum is not present, the reserves
438 as included in the budget go into effect. After the turnover,
439 the developer may vote its voting interest to waive or reduce
440 the funding of reserves. Any vote taken pursuant to this
441 subsection to waive or reduce reserves is applicable only to one
442 budget year.

443 (7) FINANCIAL REPORTING.—Within 90 days after the end of
444 the fiscal year, or annually on the date provided in the bylaws,
445 the association shall prepare and complete, or contract with a
446 third party for the preparation and completion of, a financial
447 report for the preceding fiscal year. Within 21 days after the
448 final financial report is completed by the association or
449 received from the third party, but not later than 120 days after
450 the end of the fiscal year or other date as provided in the

451 bylaws, the association shall, within the time limits set forth
452 in subsection (5), provide each member with a copy of the annual
453 financial report or a written notice that a copy of the
454 financial report is available upon request at no charge to the
455 member. Financial reports shall be prepared as follows:

456 (a) An association that meets the criteria of this
457 paragraph shall prepare or cause to be prepared a complete set
458 of financial statements in accordance with generally accepted
459 accounting principles as adopted by the Board of Accountancy.
460 The financial statements shall be based upon the association's
461 total annual revenues, as follows:

462 1. An association with total annual revenues of \$150,000
463 or more, but less than \$300,000, shall prepare compiled
464 financial statements.

465 2. An association with total annual revenues of at least
466 \$300,000, but less than \$500,000, shall prepare reviewed
467 financial statements.

468 3. An association with total annual revenues of \$500,000
469 or more shall prepare audited financial statements.

470 4. An association with 1,000 parcels or more shall prepare
471 audited financial statements, notwithstanding the association's
472 total annual revenues.

473 (d) If approved by a majority of the voting interests
474 present at a properly called meeting of the association, an
475 association may prepare or cause to be prepared:

476 1. A report of cash receipts and expenditures in lieu of a
 477 compiled, reviewed, or audited financial statement;

478 2. A report of cash receipts and expenditures or a
 479 compiled financial statement in lieu of a reviewed or audited
 480 financial statement; or

481 3. A report of cash receipts and expenditures, a compiled
 482 financial statement, or a reviewed financial statement in lieu
 483 of an audited financial statement.

484

485 An association may not prepare a financial statement pursuant to
 486 this paragraph for consecutive fiscal years.

487 (13) DEBIT CARDS.—

488 (a) An association and its officers, directors, employees,
 489 and agents may not use a debit card issued in the name of the
 490 association, or billed directly to the association, for the
 491 payment of any association expenses.

492 (b) A person who uses a debit card issued in the name of
 493 the association, or billed directly to the association, for any
 494 expense that is not a lawful obligation of the association
 495 commits theft as provided under s. 812.014.

496

497 For the purposes of this subsection, the term "lawful obligation
 498 of the association" means an obligation that has been properly
 499 preapproved by the board and is reflected in the meeting minutes
 500 or the written budget.

501 Section 4. Subsections (1) and (3) and paragraph (a) of
 502 subsection (4) of section 720.3033, Florida Statutes, are
 503 amended to read:

504 720.3033 Officers and directors.—

505 (1)(a) Within 90 days after being elected or appointed to
 506 the board, each ~~director shall certify in writing to the~~
 507 ~~secretary of the association that he or she has read the~~
 508 ~~association's declaration of covenants, articles of~~
 509 ~~incorporation, bylaws, and current written rules and policies;~~
 510 ~~that he or she will work to uphold such documents and policies~~
 511 ~~to the best of his or her ability; and that he or she will~~
 512 ~~faithfully discharge his or her fiduciary responsibility to the~~
 513 ~~association's members. Within 90 days after being elected or~~
 514 ~~appointed to the board, in lieu of such written certification,~~
 515 the newly elected or appointed director must ~~may~~ submit a
 516 certificate of having satisfactorily completed the educational
 517 curriculum administered by a department-approved division-
 518 ~~approved~~ education provider.

519 1. The newly elected or appointed director must complete
 520 the department-approved education for newly elected or appointed
 521 directors within 90 days after being elected or appointed.

522 2. The certificate of completion is valid for a maximum of
 523 4 years.

524 3. At least every 4 years, a director must complete the
 525 education specific to newly elected or appointed directors.

526 4. The department-approved educational curriculum specific
 527 to newly elected or appointed directors must include training
 528 relating to financial literacy and transparency, recordkeeping,
 529 levying of fines, and notice and meeting requirements.

530 5. In addition to the educational curriculum specific to
 531 newly elected or appointed directors:

532 a. A director of an association that has fewer than 2,500
 533 parcels must complete at least 4 hours of continuing education
 534 annually.

535 b. A director of an association that has 2,500 parcels or
 536 more must complete at least 8 hours of continuing education
 537 annually within 1 year before or 90 days after the date of
 538 election or appointment.

539 ~~(b) The written certification or educational certificate~~
 540 ~~is valid for the uninterrupted tenure of the director on the~~
 541 ~~board. A director who does not timely file the written~~
 542 ~~certification or educational certificate is shall be suspended~~
 543 ~~from the board until he or she complies with the requirement.~~
 544 ~~The board may temporarily fill the vacancy during the period of~~
 545 ~~suspension.~~

546 (c) The association shall retain each director's ~~written~~
 547 ~~certification or educational certificate~~ for inspection by the
 548 members for 5 years after the director's election. However, the
 549 failure to have the written certification or educational
 550 certificate on file does not affect the validity of any board

551 action.

552 (d) The department shall adopt rules to implement and
553 administer the educational curriculum and continuing education
554 requirements under this subsection.

555 (3) An officer, a director, or a manager may not solicit,
556 offer to accept, or accept a kickback. As used in this
557 subsection, the term "kickback" means any thing or service of
558 value for which consideration has not been provided for an
559 officer's, a director's, or a manager's ~~his or her~~ benefit or
560 for the benefit of a member of his or her immediate family from
561 any person providing or proposing to provide goods or services
562 to the association. An officer, a director, or a manager who
563 knowingly solicits, offers to accept, or accepts a ~~any thing or~~
564 ~~service of value or~~ kickback commits a felony of the third
565 degree, punishable as provided in s. 775.082, s. 775.083, or s.
566 775.084, and ~~for which consideration has not been provided for~~
567 ~~his or her own benefit or that of his or her immediate family~~
568 ~~from any person providing or proposing to provide goods or~~
569 ~~services to the association~~ is subject to monetary damages under
570 s. 617.0834. If the board finds that an officer or a director
571 has violated this subsection, the board shall immediately remove
572 the officer or director from office. The vacancy shall be filled
573 according to law until the end of the officer's or director's
574 term of office. However, an officer, a director, or a manager
575 may accept food to be consumed at a business meeting with a

576 value of less than \$25 per individual or a service or good
 577 received in connection with trade fairs or education programs.

578 (4) (a) A director or an officer charged by information or
 579 indictment with any of the following crimes must be removed from
 580 office and a vacancy declared:

581 1. Forgery of a ballot envelope or voting certificate used
 582 in a homeowners' association election as provided in s. 831.01.

583 2. Theft or embezzlement involving the association's funds
 584 or property as provided in s. 812.014.

585 3. Destruction of or the refusal to allow inspection or
 586 copying of an official record of a homeowners' association which
 587 is accessible to parcel owners within the time periods required
 588 by general law, in furtherance of any crime. Such act
 589 constitutes tampering with physical evidence as provided in s.
 590 918.13.

591 4. Obstruction of justice as provided in chapter 843.

592 5. Any criminal violation under this chapter.

593 Section 5. Subsections (1) and (4) of section 720.3035,
 594 Florida Statutes, are amended to read:

595 720.3035 Architectural control covenants; parcel owner
 596 improvements; rights and privileges.—

597 (1) The authority of an association or any architectural,
 598 construction improvement, or other such similar committee of an
 599 association to review and approve plans and specifications for
 600 the location, size, type, or appearance of any structure or

601 other improvement on a parcel, or to enforce standards for the
 602 external appearance of any structure or improvement located on a
 603 parcel, ~~is shall be~~ permitted only to the extent that the
 604 authority is specifically stated or reasonably inferred as to
 605 such location, size, type, or appearance in the declaration of
 606 covenants or other published guidelines and standards authorized
 607 by the declaration of covenants. An association or any
 608 architectural, construction improvement, or similar committee of
 609 an association must reasonably and equitably apply and enforce
 610 on all parcel owners the architectural and construction
 611 improvement standards authorized by the declaration of covenants
 612 or other published guidelines and standards authorized by the
 613 declaration of covenants.

614 (4) Each parcel owner ~~is shall be~~ entitled to the rights
 615 and privileges set forth in the declaration of covenants or
 616 other published guidelines and standards authorized by the
 617 declaration of covenants concerning the architectural use of the
 618 parcel, and the construction of permitted structures and
 619 improvements on the parcel and such rights and privileges may
 620 ~~shall~~ not be unreasonably infringed upon or impaired by the
 621 association or any architectural, construction improvement, or
 622 other such similar committee of the association. If the
 623 association or any architectural, construction improvement, or
 624 other such similar committee of the association denies a parcel
 625 owner's request or application for the construction of a

626 structure or other improvement on a parcel, the association or
627 committee must provide written notice to the parcel owner
628 stating with specificity the rule or covenant on which the
629 association or committee relied when denying the request or
630 application and the specific aspect or part of the proposed
631 improvement that does not conform to such rule or covenant. If
632 the association or any architectural, construction improvement,
633 or other such similar committee of the association should
634 unreasonably, knowingly, and willfully infringe upon or impair
635 the rights and privileges set forth in the declaration of
636 covenants or other published guidelines and standards authorized
637 by the declaration of covenants, the adversely affected parcel
638 owner is ~~shall be~~ entitled to recover damages caused by such
639 infringement or impairment, including any costs and reasonable
640 attorney ~~attorney's~~ fees incurred in preserving or restoring the
641 rights and privileges of the parcel owner set forth in the
642 declaration of covenants or other published guidelines and
643 standards authorized by the declaration of covenants.

644 Section 6. Paragraph (c) of subsection (3) of section
645 720.3085, Florida Statutes, is amended to read:

646 720.3085 Payment for assessments; lien claims.—

647 (3) Assessments and installments on assessments that are
648 not paid when due bear interest from the due date until paid at
649 the rate provided in the declaration of covenants or the bylaws
650 of the association, which rate may not exceed the rate allowed

651 by law. If no rate is provided in the declaration or bylaws,
652 interest accrues at the rate of 18 percent per year.

653 (c)1. If an association sends out an invoice for
654 assessments or a parcel's statement of the account described in
655 s. 720.303(4)(a)10.b. ~~s. 720.303(4)(j)2.~~, the invoice for
656 assessments or the parcel's statement of account must be
657 delivered to the parcel owner by first-class United States mail
658 or by electronic transmission to the parcel owner's e-mail
659 address maintained in the association's official records.

660 2. Before changing the method of delivery for an invoice
661 for assessments or the statement of the account, the association
662 must deliver a written notice of such change to each parcel
663 owner. The written notice must be delivered to the parcel owner
664 at least 30 days before the association sends the invoice for
665 assessments or the statement of the account by the new delivery
666 method. The notice must be sent by first-class United States
667 mail to the owner at his or her last address as reflected in the
668 association's records and, if such address is not the parcel
669 address, must be sent by first-class United States mail to the
670 parcel address. Notice is deemed to have been delivered upon
671 mailing as required by this subparagraph.

672 3. A parcel owner must affirmatively acknowledge his or
673 her understanding that the association will change its method of
674 delivery of the invoice for assessments or the statement of the
675 account before the association may change the method of

676 delivering an invoice for assessments or the statement of
677 account. The parcel owner may make the affirmative
678 acknowledgment electronically or in writing.

679 Section 7. Section 720.317, Florida Statutes, is amended
680 to read:

681 720.317 Electronic voting.—

682 (1) The association may conduct elections and other
683 membership votes through an Internet-based online voting system
684 if a member consents, electronically or in writing, to online
685 voting and if the following requirements are met:

686 (a)-(1) The association provides each member with:

687 1.(a) A method to authenticate the member's identity to
688 the online voting system.

689 2.(b) A method to confirm, at least 14 days before the
690 voting deadline, that the member's electronic device can
691 successfully communicate with the online voting system.

692 3.(c) A method that is consistent with the election and
693 voting procedures in the association's bylaws.

694 (b)-(2) The association uses an online voting system that
695 is:

696 1.(a) Able to authenticate the member's identity.

697 2.(b) Able to authenticate the validity of each electronic
698 vote to ensure that the vote is not altered in transit.

699 3.(c) Able to transmit a receipt from the online voting
700 system to each member who casts an electronic vote.

701 ~~4.(d)~~ Able to permanently separate any authentication or
702 identifying information from the electronic election ballot,
703 rendering it impossible to tie an election ballot to a specific
704 member. This paragraph only applies if the association's bylaws
705 provide for secret ballots for the election of directors.

706 ~~5.(e)~~ Able to store and keep electronic ballots accessible
707 to election officials for recount, inspection, and review
708 purposes.

709 ~~(2)(3)~~ A member voting electronically pursuant to this
710 section shall be counted as being in attendance at the meeting
711 for purposes of determining a quorum.

712 ~~(3)(4)~~ This section applies to an association that
713 provides for and authorizes an online voting system pursuant to
714 this section by a board resolution. The board resolution must
715 provide that members receive notice of the opportunity to vote
716 through an online voting system, must establish reasonable
717 procedures and deadlines for members to consent, electronically
718 or in writing, to online voting, and must establish reasonable
719 procedures and deadlines for members to opt out of online voting
720 after giving consent. Written notice of a meeting at which the
721 board resolution regarding online voting will be considered must
722 be mailed, delivered, or electronically transmitted to the unit
723 owners and posted conspicuously on the condominium property or
724 association property at least 14 days before the meeting.
725 Evidence of compliance with the 14-day notice requirement must

CS/CS/HB 1243

2024

726 | be made by an affidavit executed by the person providing the
727 | notice and filed with the official records of the association.

728 | ~~(4)-(5)~~ A member's consent to online voting is valid until
729 | the member opts out of online voting pursuant to the procedures
730 | established by the board of administration pursuant to
731 | subsection (3) ~~(4)~~.

732 | ~~(5)-(6)~~ This section may apply to any matter that requires
733 | a vote of the members.

734 | Section 8. This act shall take effect July 1, 2024.