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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/09/2013	.	
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The Committee on Community Affairs (Stargel) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Paragraph (b) of subsection (2) of section  
468.436, Florida Statutes, is amended to read:

468.436 Disciplinary proceedings.—

(2) The following acts constitute grounds for which the  
disciplinary actions in subsection (4) may be taken:

(b)1. Violation of any provision of this part.

2. Violation of any lawful order or rule rendered or  
adopted by the department or the council.



278732

13           3. Being convicted of or pleading nolo contendere to a  
14 felony in any court in the United States.

15           4. Obtaining a license or certification or any other order,  
16 ruling, or authorization by means of fraud, misrepresentation,  
17 or concealment of material facts.

18           5. Committing acts of gross misconduct or gross negligence  
19 in connection with the profession.

20           6. Contracting, on behalf of an association, with any  
21 entity in which the licensee has a financial interest that is  
22 not disclosed.

23           7. Failing to report to the division as required in s.  
24 720.303(13).

25           8. Violating any provision of chapters 718, 719, or 720  
26 during the course of performing community association management  
27 services pursuant to a contract with a community association.

28           Section 2. Subsection (5) and paragraph (d) of subsection  
29 (6) of section 720.303, Florida Statutes, are amended, and  
30 subsection (13) is added to that section, to read:

31           720.303 Association powers and duties; meetings of board;  
32 official records; budgets; financial reporting; association  
33 funds; recalls.—

34           (5) INSPECTION AND COPYING OF RECORDS.—The official records  
35 shall be maintained within the state for at least 7 years and  
36 shall be made available to a parcel owner for inspection or  
37 photocopying within 45 miles of the community or within the  
38 county in which the association is located within 10 business  
39 days after receipt by the board or its designee of a written  
40 request ~~must be open to inspection and available for~~  
41 ~~photocopying by members or their authorized agents at reasonable~~



278732

42 ~~times and places within 10 business days after receipt of a~~  
43 ~~written request for access.~~ This subsection may be complied with  
44 by having a copy of the official records available for  
45 inspection or copying in the community or, at the option of the  
46 association, by making the records available to a parcel owner  
47 electronically via the Internet or by allowing the records to be  
48 viewed in electronic format on a computer screen and printed  
49 upon request. If the association has a photocopy machine  
50 available where the records are maintained, it must provide  
51 parcel owners with copies on request during the inspection if  
52 the entire request is limited to no more than 25 pages. An  
53 association shall allow a member or his or her authorized  
54 representative to use a portable device, including a smartphone,  
55 tablet, portable scanner, or any other technology capable of  
56 scanning or taking photographs, to make an electronic copy of  
57 the official records in lieu of providing the member or his or  
58 her authorized representative with a copy of such records. The  
59 association may not charge a fee to a member or his or her  
60 authorized representative for such use of a portable device.

61 (a) The failure of an association to provide access to the  
62 records within 10 business days after receipt of a written  
63 request submitted by certified mail, return receipt requested,  
64 creates a rebuttable presumption that the association willfully  
65 failed to comply with this subsection.

66 (b) A member who is denied access to official records is  
67 entitled to the actual damages or minimum damages for the  
68 association's willful failure to comply with this subsection.  
69 The minimum damages are to be \$50 per calendar day up to 10  
70 days, the calculation to begin on the 11th business day after



278732

71 receipt of the written request.

72 (c) The association may adopt reasonable written rules  
73 governing the frequency, time, location, notice, records to be  
74 inspected, and manner of inspections, but may not require a  
75 parcel owner to demonstrate any proper purpose for the  
76 inspection, state any reason for the inspection, or limit a  
77 parcel owner's right to inspect records to less than one 8-hour  
78 business day per month. The association may impose fees to cover  
79 the costs of providing copies of the official records,  
80 including, ~~without limitation,~~ the costs of copying and the  
81 costs required for personnel to retrieve and copy the records if  
82 the time spent retrieving and copying the records exceeds one-  
83 half hour and if the personnel costs do not exceed \$20 per hour.  
84 No personnel costs may be charged for records requests that  
85 result in 25 or fewer pages. The association may charge up to 25  
86 50 cents per page for copies made on the association's  
87 photocopier. If the association does not have a photocopy  
88 machine available where the records are kept, or if the records  
89 requested to be copied exceed 25 pages in length, the  
90 association may have copies made by an outside duplicating  
91 service vendor or association management company personnel and  
92 may charge the actual cost of copying, as supported by the  
93 vendor invoice including any reasonable costs involving  
94 personnel fees and charges at an hourly rate for vendor or  
95 employee time to cover administrative costs to the vendor or  
96 association. The association shall maintain an adequate number  
97 of copies of the recorded governing documents, to ensure their  
98 availability to members and prospective members. Notwithstanding  
99 this paragraph, the following records are not accessible to



278732

100 members or parcel owners:

101       1. Any record protected by the lawyer-client privilege as  
102 described in s. 90.502 and any record protected by the work-  
103 product privilege, including, but not limited to, a record  
104 prepared by an association attorney or prepared at the  
105 attorney's express direction which reflects a mental impression,  
106 conclusion, litigation strategy, or legal theory of the attorney  
107 or the association and which was prepared exclusively for civil  
108 or criminal litigation or for adversarial administrative  
109 proceedings or which was prepared in anticipation of such  
110 litigation or proceedings until the conclusion of the litigation  
111 or proceedings.

112       2. Information obtained by an association in connection  
113 with the approval of the lease, sale, or other transfer of a  
114 parcel.

115       3. Personnel records of the association's employees,  
116 including, but not limited to, disciplinary, payroll, health,  
117 and insurance records. For purposes of this subparagraph, the  
118 term "personnel records" does not include written employment  
119 agreements with an association employee or budgetary or  
120 financial records that indicate the compensation paid to an  
121 association employee.

122       4. Medical records of parcel owners or community residents.

123       5. Social security numbers, driver's license numbers,  
124 credit card numbers, electronic mailing addresses, telephone  
125 numbers, facsimile numbers, emergency contact information, any  
126 addresses for a parcel owner other than as provided for  
127 association notice requirements, and other personal identifying  
128 information of any person, excluding the person's name, parcel



278732

129 designation, mailing address, and property address. However, an  
130 owner may consent in writing to the disclosure of protected  
131 information described in this subparagraph. The association is  
132 not liable for the disclosure of information that is protected  
133 under this subparagraph if the information is included in an  
134 official record of the association and is voluntarily provided  
135 by an owner and not requested by the association.

136 6. Any electronic security measure that is used by the  
137 association to safeguard data, including passwords.

138 7. The software and operating system used by the  
139 association which allows the manipulation of data, even if the  
140 owner owns a copy of the same software used by the association.  
141 The data is part of the official records of the association.

142 (d) The association or its authorized agent is not required  
143 to provide a prospective purchaser or lienholder with  
144 information about the residential subdivision or the association  
145 other than information or documents required by this chapter to  
146 be made available or disclosed. The association or its  
147 authorized agent may charge a reasonable fee to the prospective  
148 purchaser or lienholder or the current parcel owner or member  
149 for providing good faith responses to requests for information  
150 by or on behalf of a prospective purchaser or lienholder, other  
151 than that required by law, if the fee does not exceed \$150 plus  
152 the reasonable cost of photocopying and any attorney's fees  
153 incurred by the association in connection with the response.

154 (6) BUDGETS.—

155 (d) An association is deemed to have provided for reserve  
156 accounts if reserve accounts have been initially established by  
157 the developer or if the membership of the association



278732

158 affirmatively elects to provide for reserves. If reserve  
159 accounts are established by the developer, the budget must  
160 designate the components for which the reserve accounts may be  
161 used. If reserve accounts are not initially provided by the  
162 developer, the membership of the association may elect to do so  
163 upon the affirmative approval of a majority of the total voting  
164 interests of the association. Such approval may be obtained by  
165 vote of the members at a duly called meeting of the membership  
166 or by the written consent of a majority of the total voting  
167 interests of the association. The approval action of the  
168 membership must state that reserve accounts shall be provided  
169 for in the budget and must designate the components for which  
170 the reserve accounts are to be established. Upon approval by the  
171 membership, the board of directors shall include the required  
172 reserve accounts in the budget in the next fiscal year following  
173 the approval and each year thereafter. Once established as  
174 provided in this subsection, the reserve accounts must be funded  
175 or maintained or have their funding waived in the manner  
176 provided in paragraph (f).

177 (13) REPORTING REQUIREMENT.—The community association  
178 manager, or the association when there is no community  
179 association manager, shall report to the division by November  
180 22, 2013, and annually thereafter, in a manner and form  
181 prescribed by the division.

182 (a) The report shall include the association's:

- 183 1. Legal name.
- 184 2. Federal employer identification number.
- 185 3. Mailing and physical addresses.
- 186 4. Total number of parcels.



278732

187 5. Total amount of revenues and expenses from the  
188 association's annual budget.

189 (b) For associations in which control of the association  
190 has not been transitioned to nondeveloper members, as set forth  
191 in s. 720.307, the report shall also include the developer's:

192 1. Legal name.

193 2. Mailing address.

194 3. Total number of parcels owned on the date of reporting.

195 (c) By October 1, 2013, the department shall establish and  
196 implement a registration system through an Internet website that  
197 provides for the reporting requirements of paragraphs (a) and  
198 (b).

199 (d) On or before December 1, 2013, and annually thereafter  
200 by December 1, the department shall submit a report to the  
201 Governor, the President of the Senate, and the Speaker of the  
202 House of Representatives providing the homeowner association  
203 data reported pursuant to this subsection.

204 (e) The department may adopt rules pursuant to ss.  
205 120.536(1) and 120.54 to implement the provisions of this  
206 subsection.

207 (f) This subsection shall expire on July 1, 2016, unless  
208 reenacted by the Legislature.

209 Section 3. Section 720.3033, Florida Statutes, is created  
210 to read:

211 720.3033 Officers and directors.-

212 (1) (a) Within 90 days after being elected or appointed to  
213 the board, each director shall certify in writing to the  
214 secretary of the association that he or she has read the  
215 association's declaration of covenants, articles of





278732

216 incorporation, bylaws, and current written rules and policies;  
217 that he or she will work to uphold such documents and policies  
218 to the best of his or her ability; and that he or she will  
219 faithfully discharge his or her fiduciary responsibility to the  
220 association's members. Within 90 days after being elected or  
221 appointed to the board, in lieu of this written certification,  
222 the newly elected or appointed director may submit a certificate  
223 of having satisfactorily completed the educational curriculum  
224 administered by a division-approved education provider within 1  
225 year before or 90 days after the date of election or  
226 appointment.

227 (b) The written certification or educational certificate is  
228 valid for the uninterrupted tenure of the director on the board.  
229 A director who does not timely file the written certification or  
230 educational certificate shall be suspended from the board until  
231 he or she complies with the requirement. The board may  
232 temporarily fill the vacancy during the period of suspension.

233 (c) The association shall retain each director's written  
234 certification or educational certificate for inspection by the  
235 members for 5 years after the director's election. However, the  
236 failure to have the written certification or educational  
237 certificate on file does not affect the validity of any board  
238 action.

239 (2) If the association enters into a contract or other  
240 transaction with any of its directors or a corporation, firm,  
241 association, or other entity in which an association director is  
242 also a director or officer or is financially interested, the  
243 board must:

244 (a) Comply with the requirements of s. 617.0832.



278732

245 (b) Enter the disclosures required by s. 617.0832 into the  
246 written minutes of the meeting.

247 (c) Approve the contract or other transaction by an  
248 affirmative vote of two-thirds of the directors present.

249 (d) At the next regular or special meeting of the members,  
250 disclose the existence of the contract or other transaction to  
251 the members. Upon motion of any member, the contract or  
252 transaction shall be brought up for a vote and may be canceled  
253 by a majority vote of the members present. If the members cancel  
254 the contract, the association is only liable for the reasonable  
255 value of goods and services provided up to the time of  
256 cancellation and is not liable for any termination fee,  
257 liquidated damages, or other penalty for such cancellation.

258 (3) An officer, director, or manager may not solicit, offer  
259 to accept, or accept any good or service of value for which  
260 consideration has not been provided for his or her benefit or  
261 for the benefit of a member of his or her immediate family from  
262 any person providing or proposing to provide goods or services  
263 to the association. If the board finds that an officer or  
264 director has violated this subsection, the board shall  
265 immediately remove from office the officer or director. The  
266 vacancy shall be filled according to law until the end of the  
267 period of the end of the director's term of office. However, an  
268 officer, director, or manager may accept food to be consumed at  
269 a business meeting with a value of less than \$25 per individual  
270 or a service or good received in connection with trade fairs or  
271 education programs.

272 (4) A director or officer charged by information or  
273 indictment with a felony theft or embezzlement offense involving



278732

274 the association's funds or property is removed from office. The  
275 board shall immediately remove such director or officer from  
276 office and shall fill the vacancy according to general law until  
277 the end of the period of the suspension or the end of the  
278 director's term of office, whichever occurs first. However, if  
279 the charges are resolved without a finding of guilt or without  
280 acceptance of a plea of guilty or nolo contendere, the director  
281 or officer shall be reinstated for any remainder of his or her  
282 term of office. A member who has such criminal charges pending  
283 may not be appointed or elected to a position as a director or  
284 officer.

285 (5) All associations shall maintain insurance or a fidelity  
286 bond for all persons who control or disburse funds of the  
287 association. The insurance policy or fidelity bond must cover  
288 the maximum funds that will be in the custody of the association  
289 or its management agent at any one time. As used in this  
290 subsection, the term "persons who control or disburse funds of  
291 the association" includes, but is not limited to, persons  
292 authorized to sign checks on behalf of the association, and the  
293 president, secretary, and treasurer of the association. The  
294 association shall bear the cost of any insurance or bond.

295 Section 4. Paragraph (d) is added to subsection (1) and  
296 paragraph (a) of subsection (9) of section 720.306, Florida  
297 Statutes, are amended to read:

298 720.306 Meetings of members; voting and election  
299 procedures; amendments.—

300 (1) QUORUM; AMENDMENTS.—

301 (d) The Legislature finds that the procurement of mortgagee  
302 consent to amendments that do not affect the rights or interests



278732

303 of mortgagees is an unreasonable and substantial logistical and  
304 financial burden on the parcel owners and that there is a  
305 compelling state interest in enabling the members of an  
306 association to approve amendments to the association's governing  
307 documents through legal means. Accordingly, and notwithstanding  
308 any provision of this paragraph to the contrary:

309 1. As to any mortgage recorded on or after July 1, 2013,  
310 any provision in the association's governing documents that  
311 requires the consent or joinder of some or all mortgagees of  
312 parcels or any other portion of the association's common areas  
313 to amend the association's governing documents or for any other  
314 matter is enforceable only as to amendments to the association's  
315 governing documents that adversely affect the priority of the  
316 mortgagee's lien or the mortgagee's rights to foreclose its lien  
317 or that otherwise materially affect the rights and interests of  
318 the mortgagees.

319 2. As to mortgages recorded before July 1, 2013, any  
320 existing provisions in the association's governing documents  
321 requiring mortgagee consent are enforceable.

322 3. In securing consent or joinder, the association is  
323 entitled to rely upon the public records to identify the holders  
324 of outstanding mortgages. The association may use the address  
325 provided in the original recorded mortgage document, unless  
326 there is a different address for the holder of the mortgage in a  
327 recorded assignment or modification of the mortgage, which  
328 recorded assignment or modification must reference the official  
329 records book and page on which the original mortgage was  
330 recorded. Once the association has identified the recorded  
331 mortgages of record, the association shall, in writing, request



278732

332 of each parcel owner whose parcel is encumbered by a mortgage of  
333 record any information that the owner has in his or her  
334 possession regarding the name and address of the person to whom  
335 mortgage payments are currently being made. Notice shall be sent  
336 to such person if the address provided in the original recorded  
337 mortgage document is different from the name and address of the  
338 mortgagee or assignee of the mortgage as shown by the public  
339 record. The association is deemed to have complied with this  
340 requirement by making the written request of the parcel owners  
341 required under this subparagraph. Any notices required to be  
342 sent to the mortgagees under this subparagraph shall be sent to  
343 all available addresses provided to the association.

344 4. Any notice to the mortgagees required under subparagraph  
345 3. may be sent by a method that establishes proof of delivery,  
346 and any mortgagee who fails to respond within 60 days after the  
347 date of mailing is deemed to have consented to the amendment.

348 5. For those amendments requiring mortgagee consent on or  
349 after July 1, 2013, in the event mortgagee consent is provided  
350 other than by properly recorded joinder, such consent shall be  
351 evidenced by affidavit of the association recorded in the public  
352 records of the county in which the declaration is recorded.

353 6. Any amendment adopted without the required consent of a  
354 mortgagee is voidable only by a mortgagee who was entitled to  
355 notice and an opportunity to consent. An action to void an  
356 amendment is subject to the statute of limitations beginning 5  
357 years after the date of discovery as to the amendments described  
358 in subparagraph 1. and 5 years after the date of recordation of  
359 the certificate of amendment for all other amendments. This  
360 subparagraph applies to all mortgages, regardless of the date of



278732

361 recordation of the mortgage.

362 (9) (a) ELECTIONS AND BOARD VACANCIES.—Elections of  
363 directors must be conducted in accordance with the procedures  
364 set forth in the governing documents of the association. All  
365 members of the association are eligible to serve on the board of  
366 directors, and a member may nominate himself or herself as a  
367 candidate for the board at a meeting where the election is to be  
368 held; provided, however, that ~~or~~, if the election process allows  
369 candidates to nominate themselves ~~voting by absentee ballot~~, in  
370 advance of the balloting, the association is not required to  
371 allow nominations at the meeting. An election is not required  
372 unless more candidates are nominated than vacancies exist.

373 Except as otherwise provided in the governing documents, boards  
374 of directors must be elected by a plurality of the votes cast by  
375 eligible voters.

376 Section 5. Subsection (1) of section 720.307, Florida  
377 Statutes, is amended, present subsections (2) through (4) are  
378 renumbered as subsections (4) through (6), respectively, and new  
379 subsections (2) and (3) are added to that section, to read:

380 720.307 Transition of association control in a community.—  
381 With respect to homeowners' associations:

382 (1) Members other than the developer are entitled to elect  
383 at least a majority of the members of the board of directors of  
384 the homeowners' association when the earlier of the following  
385 events occurs:

386 (a) Three months after 90 percent of the parcels in all  
387 phases of the community that will ultimately be operated by the  
388 homeowners' association have been conveyed to members; ~~or~~

389 (b) Such other percentage of the parcels has been conveyed



278732

390 to members, or such other date or event has occurred, as is set  
391 forth in the governing documents in order to comply with the  
392 requirements of any governmentally chartered entity with regard  
393 to the mortgage financing of parcels;

394 (c) Two years after the developer has ceased construction  
395 or ceased to offer parcels for sale in the ordinary course of  
396 business;

397 (d) Upon the developer abandoning or deserting its  
398 responsibility to maintain and complete the advertised amenities  
399 or infrastructure. There is a rebuttable presumption that the  
400 developer has abandoned and deserted the property if the  
401 developer has not engaged in construction or sale of properties  
402 or has unpaid assessments or guaranteed amounts under s. 720.308  
403 for a period of more than 2 years;

404 (e) Upon the developer filing a petition seeking protection  
405 under chapter 7 of the federal Bankruptcy Code;

406 (f) Upon the developer losing title to the property through  
407 a foreclosure, or the transfer of a deed in lieu of foreclosure,  
408 unless the successor owner has accepted an assignment of  
409 developer rights and responsibilities; or

410 (g) Upon a receiver for the developer being appointed by a  
411 circuit court and not being discharged within 30 days after such  
412 appointment, unless the court determines within 30 days after  
413 such appointment that transfer of control would be detrimental  
414 to the association or its members.

415 For purposes of this section, the term "members other than  
416 the developer" shall not include builders, contractors, or  
417 others who purchase a parcel for the purpose of constructing  
418 improvements thereon for resale.



278732

419           (2) Members other than the developer are entitled to elect  
420 at least one member of the board of directors of the homeowners'  
421 association if 15 percent of the parcels in all phases of the  
422 community which will ultimately be operated by the association  
423 have been conveyed to members.

424           (3) Members other than the developer are entitled to elect  
425 at least two members of the board of directors of the  
426 homeowners' association if 50 percent of the parcels in all  
427 phases of the community which will ultimately be operated by the  
428 association have been conveyed to members.

429           Section 6. Subsection (5) is added to section 720.3075,  
430 Florida Statutes to read:

431           720.3075 Prohibited clauses in association documents.—

432           (5) The public policy described in subsection (1) prohibits  
433 the inclusion or enforcement of clauses that allow a developer  
434 the unilateral ability and right to make changes to the  
435 governing documents prior to transition of homeowners'  
436 association control in a community from the developer to the  
437 nondeveloper members, as set forth in s. 720.307, that  
438 unreasonably modify the original plan of development, prejudice  
439 the rights of parcel owners to use and enjoy the benefits of the  
440 common property without the consent of the parcels owners,  
441 radically change the community scheme, reduce the size of the  
442 common area, or limit the access of parcel owners to the common  
443 area.

444           Section 7. Paragraph (b) of subsection (2) of section  
445 720.3085, Florida Statutes, is amended to read:

446           720.3085 Payment for assessments; lien claims.—

447           (2)





278732

448 (b) A parcel owner is jointly and severally liable with the  
449 previous parcel owner for all unpaid assessments that came due  
450 up to the time of transfer of title. This liability is without  
451 prejudice to any right the present parcel owner may have to  
452 recover any amounts paid by the present owner from the previous  
453 owner. For the purposes of this subsection, the term "previous  
454 owner" shall not include an association that acquires title to a  
455 delinquent property through foreclosure or by deed in lieu of  
456 foreclosure. The present parcel owner's liability for unpaid  
457 assessments is limited to any unpaid assessments that accrued  
458 before the association acquired title to the delinquent property  
459 through foreclosure or by deed in lieu of foreclosure.

460 Section 8. Section 720.315, Florida Statutes, is amended to  
461 read:

462 720.315 Passage of ~~special~~ assessments.—

463 (1) Before turnover, if the board of directors controlled  
464 by the developer proposes a budget which requires assessments  
465 against parcel owners which are 5 percent greater than the  
466 assessments for the preceding fiscal year, the budget must be  
467 approved by a majority of all the members other than the  
468 developer at a duly called special meeting of the membership at  
469 which a quorum is present. For purposes of this section, the  
470 term "members other than the developer" does not include  
471 builders, contractors, or other persons who purchase a parcel  
472 for the purpose of constructing improvements thereon for resale.

473 (2) Before turnover, the board of directors controlled by  
474 the developer may not levy a special assessment unless a  
475 majority of the parcel owners other than the developer has  
476 approved the special assessment by a majority vote at a duly



477 called special meeting of the membership at which a quorum is  
478 present.

479 Section 9. This act shall take effect July 1, 2013.  
480  
481

482 ===== T I T L E A M E N D M E N T =====

483 And the title is amended as follows:

484 Delete everything before the enacting clause  
485 and insert:

486 A bill to be entitled  
487 An act relating to homeowners' associations; amending  
488 s. 468.436, F.S.; providing grounds for disciplinary  
489 actions against community association managers;  
490 amending s. 720.303, F.S.; requiring official records  
491 to be maintained within a specified distance of the  
492 association for a specified time; authorizing  
493 associations to maintain such records online;  
494 requiring associations to allow a member to use a  
495 portable device to make an electronic copy of the  
496 official records and prohibiting associations from  
497 charging a fee for such an electronic copy; removing  
498 provisions allowing the association to charge fees for  
499 personnel costs related to records access; requiring  
500 budgets to designate permissible uses of reserve  
501 accounts; requiring a community association manager,  
502 or the association in the absence of a community  
503 association manager, to report certain information to  
504 the Division of Florida Condominiums, Timeshares, and  
505 Mobile Homes; providing an expiration date for the



506 reporting requirements; creating s. 720.3033, F.S.;

507 requiring association directors to file with the

508 association secretary written certification that they

509 have read certain association documents, will uphold

510 the documents, and will uphold their fiduciary

511 responsibility to the members; providing for an

512 educational certificate in lieu of written

513 certification; providing that such certification is

514 valid while the director is on the board; providing

515 penalties for failure to file such certification;

516 requiring the association secretary to retain such

517 certification for 5 years; requiring the board to

518 follow specified procedures relating to contracts or

519 transactions between the association and certain

520 entities; providing for disclosure of the contract or

521 transaction to members; providing for the cancellation

522 of such contract or transaction under certain

523 circumstances; prohibiting any association officer,

524 director, or manager from soliciting or receiving

525 certain personal benefits from any person providing or

526 offering to provide goods or services to the

527 association and providing for removal for knowingly

528 taking such action; providing an exception; providing

529 for the removal of any director or officer charged

530 with a felony theft or embezzlement offense involving

531 association funds or property; providing for the

532 reinstatement of such person under certain

533 circumstances; prohibiting a member with pending

534 criminal charges from certain positions; requiring the



535 association to maintain insurance or a bond to cover  
536 funds that will be in the custody of the association  
537 or its management agent; providing a definition;  
538 amending s. 720.306, F.S.; revising provisions  
539 relating to the amendment of homeowners' association  
540 declarations; providing legislative findings and a  
541 finding of compelling state interest; providing  
542 criteria for consent or joinder to an amendment;  
543 requiring notice to mortgagees regarding proposed  
544 amendments; providing criteria for notification;  
545 providing for voiding certain amendments; revising  
546 procedures for the election of directors; amending s.  
547 720.307, F.S.; providing additional circumstances for  
548 authorizing members to elect a majority of association  
549 board members; providing circumstances under which  
550 members other than the developer are authorized to  
551 elect a specified number of members to the board of  
552 directors; amending s. 720.3075, F.S.; providing  
553 public policy regarding prohibited clauses in  
554 association documents; providing prohibited clauses in  
555 association documents; amending s. 720.315, F.S.;  
556 prohibiting increases in assessments levied pursuant  
557 to the annual budget under certain circumstances;  
558 providing an effective date.