A bill to be entitled
An act relating to homeowners' associations; amending s. 468.4334, F.S.; providing requirements for certain community association managers and community association management firms; amending s. 468.4337, F.S.; requiring certain community association managers to take a specific number of hours of continuing education biennially; amending s. 720.303, F.S.; requiring official records of a homeowners' association to be maintained for a certain number of years; requiring certain associations to post certain documents on its website or make available such documents through an application by a date certain; providing requirements for an association's website or application; requiring an association to provide certain information to parcel owners upon request; requiring an association to ensure certain information and records are not accessible on the website or application; providing that an association or its agent is not liable for the disclosure of certain information; requiring an association to adopt certain rules; providing criminal penalties; defining the term "repeatedly"; requiring an association to provide or make available subpoenaed records within a certain timeframe; requiring an association to assist in a law
enforcement investigation as allowed by law; requiring that certain associations prepare audited financial statements; prohibiting associations from preparing financial statements for consecutive years; prohibiting an association and certain persons from using specified debit cards for payment of association expenses; providing a criminal penalty; defining the term "lawful obligation of the association"; requiring a detailed accounting of amounts due to the association be given to certain persons within a certain timeframe upon written request; limiting how often certain persons may request from the board a detailed accounting; providing for a complete waiver of outstanding fines under certain circumstances; amending s. 720.3033, F.S.; providing education requirements for newly elected or appointed directors; providing requirements for the educational curriculum; requiring certain directors to complete a certain number of hours of continuing education annually; requiring the Department of Business and Professional Regulation to adopt certain rules; defining the term "kickback"; providing criminal penalties for certain actions by an officer, a director, or a manager of an association; providing that a vacancy is declared if a director or an officer is charged by information or
indictment with certain crimes; amending s. 720.3035, F.S.; requiring an association or any architectural, construction improvement, or other such similar committee of an association to apply and enforce certain standards reasonably and equitably; requiring an association or any architectural, construction improvement, or other such similar committee of an association to provide certain written notice to a parcel owner; prohibiting an association or certain committees of the association from enforcing or adopting certain covenants, rules, or guidelines; authorizing a parcel owner to appeal certain decisions of the association or certain committees of the association to an appeals committee within a specified timeframe; providing for membership and authority of the appeals committee; requiring the appeals committee to make its decisions within a specified timeframe; amending s. 720.3045, F.S.; authorizing parcel owners or their tenants to install, display, or store clotheslines and vegetable gardens under certain circumstances; amending s. 720.305, F.S.; prohibiting certain fines from being aggregated and becoming a lien on a parcel without a supermajority vote of a certain percentage of the voting members; specifying how fines, suspensions, attorney fees, and costs are
determined; requiring certain notices to be provided to parcel owners and, if applicable, an occupant, a licensee, or an invitee of the parcel owner; requiring certain hearings to be held within a specified timeframe and authorizing such hearings to be held by telephone or other electronic means; prohibiting the accrual of attorney fees and costs after a specified time; specifying the priority of payments made by a parcel owner to an association; authorizing certain persons to request a hearing to dispute certain fees and costs; providing that certain fines may not become a lien on a parcel; requiring fines or suspensions related to traffic infractions to be determined and issued by a certain person; prohibiting a parcel owner from being fined for certain traffic infractions; defining the term "traffic infraction"; prohibiting an association from levying a fine or imposing a suspension for certain actions; prohibiting an association from enforcing certain rules or covenants under certain circumstances; amending s. 720.3075, F.S.; prohibiting certain homeowners' association documents from precluding property owners from taking, limiting, or requiring certain actions; amending s. 720.308, F.S.; prohibiting a board from increasing assessments by more than specified percentages without
approval by a certain percentage of the voting members; providing an exception; prohibiting certain assessments from becoming a lien on a parcel without approval by a certain percentage of the voting members; amending s. 720.3085, F.S.; specifying when a lien is effective for mortgages of record; deleting provisions relating to the priority of certain liens, mortgages, or certified judgments; specifying that simple interest accrues on assessments and installments on assessments that are not paid when due; providing that assessments and installments on assessments may not accrue compound interest; amending s. 720.317, F.S.; authorizing a member to consent electronically to online voting if certain conditions are met; amending s. 720.318, F.S.; authorizing a law enforcement officer to park his or her assigned law enforcement vehicle on public roads and rights-of-way; providing an effective date.

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

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

468.4334 Professional practice standards; liability; community association manager requirements.—
(3) A community association manager or community association management firm that is authorized by contract to provide community association management services to a homeowners' association must do all of the following:

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

   (b) Provide to the members of the homeowners' association the name and contact information for each community association manager or representative of a community association management firm assigned to the homeowners' association, the manager's or representative's hours of availability, and a summary of the duties for which the manager or representative is responsible. The homeowners' association must also post this information on the association's website or application required under s. 720.303(4)(b). The community association manager or community association management firm must update the homeowners' association and its members within 14 business days after any change to such information.

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

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

468.4337 Continuing education.—The department may not
renew a license until the licensee submits proof that the
licensee has completed the requisite hours of continuing
education. No more than 10 hours of continuing education
annually shall be required for renewal of a license. The number
of continuing education hours, criteria, and course content
shall be approved by the council by rule. The council may not
require more than 10 hours of continuing education annually for
renewal of a license. A community association manager who
provides community association management services to a
homeowners' association must biennially complete at least 5
hours of continuing education that pertains specifically to
homeowners' associations, 3 hours of which must relate to
recordkeeping.

Section 3. Subsections (1), (4), and (5), paragraph (f) of
subsection (6), and paragraphs (a) and (d) of subsection (7) of
section 720.303, Florida Statutes, are amended, and subsections
(13) and (14) are added to that section, to read:

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

(1) POWERS AND DUTIES.—An association that operates
a community as defined in s. 720.301, must be operated by an
association that is a Florida corporation. After October 1,
1995, the association must be incorporated and the initial
governing documents must be recorded in the official records of
the county in which the community is located. An association may operate more than one community. The officers and directors of an association are subject to s. 617.0830 and have a fiduciary relationship to the members who are served by the association. The powers and duties of an association include those set forth in this chapter and, except as expressly limited or restricted in this chapter, those set forth in the governing documents. After control of the association is obtained by members other than the developer, the association may institute, maintain, settle, or appeal actions or hearings in its name on behalf of all members concerning matters of common interest to the members, including, but not limited to, the common areas; roof or structural components of a building, or other improvements for which the association is responsible; mechanical, electrical, or plumbing elements serving an improvement or building for which the association is responsible; representations of the developer pertaining to any existing or proposed commonly used facility; and protesting ad valorem taxes on commonly used facilities. The association may defend actions in eminent domain or bring inverse condemnation actions. Before commencing litigation against any party in the name of the association involving amounts in controversy in excess of $100,000, the association must obtain the affirmative approval of a majority of the voting interests at a meeting of the membership at which a quorum has been attained. This subsection
does not limit any statutory or common-law right of any individual member or class of members to bring any action without participation by the association. A member does not have authority to act for the association by virtue of being a member. An association may have more than one class of members and may issue membership certificates. An association of 15 or fewer parcel owners may enforce only the requirements of those deed restrictions established prior to the purchase of each parcel upon an affected parcel owner or owners.

(4) OFFICIAL RECORDS.—

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

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

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

3. (c) A copy of the articles of incorporation of the association and of each amendment thereto.

4. (d) A copy of the declaration of covenants and a copy of each amendment thereto.
5. (e) A copy of the current rules of the homeowners' association.

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

7. (g) A current roster of all members and their designated mailing addresses and parcel identifications. A member's designated mailing address is the member's property address, unless the member has sent written notice to the association requesting that a different mailing address be used for all required notices. The association shall also maintain the e-mail addresses and the facsimile numbers designated by members for receiving notice sent by electronic transmission of those members consenting to receive notice by electronic transmission. A member's e-mail address is the e-mail address the member provided when consenting in writing to receiving notice by electronic transmission, unless the member has sent written notice to the association requesting that a different e-mail address be used for all required notices. The e-mail addresses and facsimile numbers provided by members to receive notice by electronic transmission must be removed from association records when the member revokes consent to receive notice by electronic transmission. However, the association is not liable for an erroneous disclosure of the e-mail address or the facsimile number for receiving electronic transmission of notices.
8. (h) All of the association's insurance policies or a copy thereof, which policies must be retained for at least 7 years.

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

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

   a. Accurate, itemized, and detailed records of all receipts and expenditures.

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

   c. All tax returns, financial statements, and financial reports of the association.
d.  Any other records that identify, measure, record, or communicate financial information.

11. A copy of the disclosure summary described in s. 720.401(1).

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

13. All affirmative acknowledgments made pursuant to s. 720.3085(3)(c)3.

14. All other written records of the association not specifically included in this subsection which are related to the operation of the association.

(b) By January 1, 2025, an association that has 100 parcels or more shall post the following documents on its website or make available such documents through an application that can be downloaded on a mobile device:

a. The articles of incorporation of the association and each amendment thereto.

b. The recorded bylaws of the association and each amendment thereto.

c. The declaration of covenants and a copy of each amendment thereto.

d. The current rules of the association.

e. A list of all current executory contracts or documents
to which the association is a party or under which the
association or the parcel owners have an obligation or
responsibility and, after bidding for the related materials,
equipment, or services has closed, a list of bids received by
the association within the past year.
   f. The annual budget required by subsection (6) and any
proposed budget to be considered at the annual meeting.
   g. The financial report required by subsection (7) and any
monthly income or expense statement to be considered at a
meeting.
   h. The association's current insurance policies.
   i. The certification of each director as required by s.
720.3033(1)(a).
   j. All contracts or transactions between the association
and any director, officer, corporation, firm, or association
that is not an affiliated homeowners' association or any other
entity in which a director of an association is also a director
or officer and has a financial interest.
   k. Any contract or document regarding a conflict of
interest or possible conflict of interest as provided in ss.
468.436(2)(b)6. and 720.3033(2).
   l. Notice of any scheduled meeting of members and the
agenda for the meeting, as required by s. 720.306, at least 14
days before such meeting. The notice must be posted in plain
view on the homepage of the website or application, or on a
separate subpage of the website or application labeled "Notices" which is conspicuously visible and linked from the homepage. The association must also post on its website or application any document to be considered and voted on by the members during the meeting or any document listed on the meeting agenda at least 7 days before the meeting at which such document or information within the document will be considered.

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

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

3. Upon written request by a parcel owner, the association must provide the parcel owner with a username and password and access to the protected sections of the association's website or application which contains the official documents of the association.

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

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

(5) INSPECTION AND COPYING OF RECORDS.—

(a) Unless otherwise provided by law or the governing documents of the association, the official records must be maintained within the state for at least 7 years and shall be made available to a parcel owner for inspection or photocopying within 45 miles of the community or within the county in which the association is located within 10 business days after receipt by the board or its designee of a written request from the parcel owner. This subsection may be complied with by having a copy of the official records available for inspection or copying
in the community or, at the option of the association, by making the records available to a parcel owner electronically via the Internet or by allowing the records to be viewed in electronic format on a computer screen and printed upon request. If the association has a photocopy machine available where the records are maintained, it must provide parcel owners with copies on request during the inspection if the entire request is limited to no more than 25 pages. An association shall allow a member or his or her authorized representative to use a portable device, including a smartphone, tablet, portable scanner, or any other technology capable of scanning or taking photographs, to make an electronic copy of the official records in lieu of the association's providing the member or his or her authorized representative with a copy of such records. The association may not charge a fee to a member or his or her authorized representative for the use of a portable device.

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

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

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

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

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

(g) The association may adopt reasonable written rules
governing the frequency, time, location, notice, records to be inspected, and manner of inspections, but may not require a parcel owner to demonstrate any proper purpose for the inspection, state any reason for the inspection, or limit a parcel owner's right to inspect records to less than one 8-hour business day per month. The association may impose fees to cover the costs of providing copies of the official records, including the costs of copying and the costs required for personnel to retrieve and copy the records if the time spent retrieving and copying the records exceeds one-half hour and if the personnel costs do not exceed $20 per hour. Personnel costs may not be charged for records requests that result in the copying of 25 or fewer pages. The association may charge up to 25 cents per page for copies made on the association's photocopier. If the association does not have a photocopy machine available where the records are kept, or if the records requested to be copied exceed 25 pages in length, the association may have copies made by an outside duplicating service and may charge the actual cost of copying, as supported by the vendor invoice. The association shall maintain an adequate number of copies of the recorded governing documents, to ensure their availability to members and prospective members. Notwithstanding this subsection paragraph, the following records are not accessible to members or parcel owners:

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

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

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

4. Personnel records of association or management company
employees, including, but not limited to, disciplinary, payroll,
health, and insurance records. For purposes of this
subparagraph, the term "personnel records" does not include
written employment agreements with an association or management
company employee or budgetary or financial records that indicate
the compensation paid to an association or management company
employee.

5. Medical records of parcel owners or community
residents.

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

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

8. The software and operating system used by the association which allows the manipulation of data, even if the owner owns a copy of the same software used by the association. The data is part of the official records of the association.
9. All affirmative acknowledgments made pursuant to s. 720.3085(3)(c)3.

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

(i) If an association receives a subpoena for records from a law enforcement agency, the association must provide a copy of such records or otherwise make the records available for inspection and copying to a law enforcement agency within 5 business days after receipt of the subpoena, unless otherwise specified by the law enforcement agency or subpoena. An association must assist a law enforcement agency in its investigation to the extent permissible by law.

(6) BUDGETS.—

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

(7) FINANCIAL REPORTING.—Within 90 days after the end of
the fiscal year, or annually on the date provided in the bylaws,
the association shall prepare and complete, or contract with a
third party for the preparation and completion of, a financial
report for the preceding fiscal year. Within 21 days after the
final financial report is completed by the association or
received from the third party, but not later than 120 days after
the end of the fiscal year or other date as provided in the
bylaws, the association shall, within the time limits set forth
in subsection (5), provide each member with a copy of the annual
financial report or a written notice that a copy of the
financial report is available upon request at no charge to the
member. Financial reports shall be prepared as follows:

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

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

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

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

4. An association with at least 1,000 parcels must prepare audited financial statements, notwithstanding the association's total annual revenues.

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

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

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

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

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

(13) DEBIT CARDS.—

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

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

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

(14) REQUIREMENT TO PROVIDE AN ACCOUNTING.—A parcel owner may make a written request to the board for a detailed accounting of any amounts he or she owes to the association related to the parcel and the board shall provide such information within 10 business days after receipt of the written request. The parcel owner may provide to the board a written authorization for any occupant, licensee, or invitee of the
parcel owner to make a written request to the board for a
detailed accounting of any amounts he or she owes to the
association related to the parcel. The board shall provide to
the occupant, licensee, or invitee of such parcel owner, and
provide a copy to the parcel owner, such information within 10
business days after receipt of the request. After a parcel
owner, an occupant, a licensee, or an invitee makes such written
request to the board, he or she may not request another detailed
accounting for at least 90 calendar days. Failure by the board
to respond within 10 business days to a written request for a
detailed accounting constitutes a complete waiver of any
outstanding fines of the person who requested such accounting.

Section 4. Subsections (1) and (3) of section 720.3033,
Florida Statutes, are amended to read:

720.3033 Officers and directors.—
(1)(a) Within 90 days after being elected or appointed to
the board, each director shall certify in writing to the
secretary of the association that he or she has read the
association's declaration of covenants, articles of
incorporation, bylaws, and current written rules and policies;
that he or she will work to uphold such documents and policies
to the best of his or her ability, and that he or she will
faithfully discharge his or her fiduciary responsibility to the
association's members. Within 90 days after being elected or
appointed to the board, in lieu of such written certification,
the newly elected or appointed director may submit a certificate of having satisfactorily completed the educational curriculum administered by a department-approved division-approved education provider.

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

2. The certificate of completion is valid for up to 4 years.

3. A director must complete the education specific to newly elected or appointed directors at least every 4 years.

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

5. In addition to the educational curriculum specific to newly elected or appointed directors:
   a. A director of an association that has fewer than 2,500 parcels must complete at least 4 hours of continuing education annually.
   b. A director of an association that has 2,500 parcels or more must complete at least 8 hours of continuing education annually within 1 year before or 90 days after the date of election or appointment.

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

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

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

(3) An officer, a director, or a manager may not solicit, offer to accept, or accept a kickback. As used in this subsection, the term "kickback" means any thing or service of value for which consideration has not been provided for an officer's, a director's, or a manager's his or her benefit or for the benefit of a member of his or her immediate family from any person providing or proposing to provide goods or services to the association. An officer, a director, or a manager who knowingly solicits, offers to accept, or accepts a thing or service of value or kickback commits a felony of the third
degree, punishable as provided in s. 775.082, 775.083, or s. 775.084, and for which consideration has not been provided for his or her own benefit or that of his or her immediate family from any person providing or proposing to provide goods or services to the association is subject to monetary damages under s. 617.0834. If the board finds that an officer or a director has violated this subsection, the board shall immediately remove the officer or director from office. The vacancy shall be filled according to law until the end of the officer's or director's term of office. However, an officer, a director, or a manager may accept food to be consumed at a business meeting with a value of less than $25 per individual or a service or good received in connection with trade fairs or education programs.

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

1. Forgery of a ballot envelope or voting certificate used in a homeowners' association election as provided in s. 831.01.
2. Theft or embezzlement involving the association's funds or property as provided in s. 812.014.
3. Destruction of or the refusal to allow inspection or copying of an official record of a homeowners' association which is accessible to parcel owners within the time periods required by general law, in furtherance of any crime. Such act constitutes tampering with physical evidence as provided in s.
918.13.

4. Obstruction of justice as provided in chapter 843.

5. Any criminal violation under this chapter.

Section 5. Subsections (1) and (4) of section 720.3035, Florida Statutes, are amended, and subsection (6) is added to that section, to read:

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

(1)(a) The authority of an association or any architectural, construction improvement, or other such similar committee of an association to review and approve plans and specifications for the location, size, type, or appearance of any structure or other improvement on a parcel, or to enforce standards for the external appearance of any structure or improvement located on a parcel, shall be permitted only to the extent that the authority is specifically stated or reasonably inferred as to such location, size, type, or appearance in the declaration of covenants or other published guidelines and standards authorized by the declaration of covenants. An association or any architectural, construction improvement, or similar committee of an association must reasonably and equitably apply and enforce on all parcel owners the architectural and construction improvement standards authorized by the declaration of covenants or other published guidelines and standards authorized by the declaration of covenants.
(b) An association or any architectural, construction improvement, or other such similar committee of an association may not enforce or adopt a covenant, rule, or guideline that:

1. Limits or places requirements on the interior of a structure that is not visible from the parcel's frontage or an adjacent parcel.

2. Requires the review and approval of plans and specifications for a central air-conditioning, refrigeration, heating, or ventilating system by the association or any architectural, construction improvement, or other such similar committee of an association, if such system is not visible from the parcel's frontage and is substantially similar to a system that is approved or recommended by the association or a committee thereof.

(4)(a) Each parcel owner is shall be entitled to the rights and privileges set forth in the declaration of covenants or other published guidelines and standards authorized by the declaration of covenants concerning the architectural use of the parcel, and the construction of permitted structures and improvements on the parcel. Such rights and privileges may not be unreasonably infringed upon or impaired by the association or any architectural, construction improvement, or other such similar committee of the association. If the association or any architectural, construction improvement, or other such similar committee of the association denies a parcel
owner's request or application for the construction of a
structure or other improvement on a parcel, the association or
committee must provide written notice to the parcel owner
stating with specificity the rule or covenant on which the
association or committee relied when denying the request or
application and the specific aspect or part of the proposed
improvement that does not conform to such rule or covenant.

(b) If a parcel owner's rights and privileges have been
unreasonably infringed upon or impaired by a decision concerning
the architectural use of his or her parcel or the construction
of permitted structures and improvements on such parcel by the
association or any architectural, construction improvement, or
other such similar committee of the association, the association
must provide the parcel owner with the ability to appeal such
decision to an appeals committee that consists of at least three
members appointed by the board who are not officers, directors,
or employees of the association or members of the architectural,
construction improvement, or other similar committee of the
association. The appeals committee has the right to reverse,
modify, or affirm the decision being appealed. A parcel owner
may appeal a decision of the association or any architectural,
construction improvement, or other such similar committee of the
association within 90 days after the owner receives written
notification of the initial decision. The appeals committee must
make a decision on the issue under appeal within 60 days after
receiving a parcel owner's request for an appeal.

(c) If the association or any architectural, construction
improvement, or other such similar committee of the association
should unreasonably, knowingly, and willfully infringe upon or
impair the rights and privileges set forth in the declaration of
covenants or other published guidelines and standards authorized
by the declaration of covenants, the adversely affected parcel
owner shall be entitled to recover damages caused by such
infringement or impairment, including any costs and reasonable
attorney's fees incurred in preserving or restoring the
rights and privileges of the parcel owner set forth in the
declaration of covenants or other published guidelines and
standards authorized by the declaration of covenants.

(6)(a) To protect the health, safety, and welfare of the
people of the state and to ensure uniformity and consistency in
the hurricane protection installed by parcel owners, this
subsection applies to all homeowners' associations in the state,
regardless of when the community was created. The board or any
architectural, construction improvement, or other such similar
committee of an association must adopt hurricane protection
specifications for each structure or other improvement on a
parcel governed by the association. The specifications may
include the color and style of hurricane protection products and
any other factor deemed relevant by the board. All
specifications adopted by the board must comply with the
applicable building code.

(b) Notwithstanding any other provision in the governing documents of the association, the board or any architectural, construction improvement, or other such similar committee may not deny an application for the installation, enhancement, or replacement of hurricane protection by a parcel owner which conforms to the specifications adopted by the board or committee. The board or committee may require a parcel owner to adhere to an existing unified building scheme regarding the external appearance of the structure or other improvement on the parcel.

(c) For purposes of this subsection, the term "hurricane protection" includes, but is not limited to, roof systems recognized by the Florida Building Code that meet ASCE 7-22 standards, permanent fixed storm shutters, roll-down track storm shutters, impact-resistant windows and doors, polycarbonate panels, reinforced garage doors, erosion controls, exterior fixed generators, fuel storage tanks, and other hurricane protection products used to preserve and protect the structures or improvements on a parcel governed by the association.

Section 6. Section 720.3045, Florida Statutes, is amended to read:

720.3045 Installation, display, and storage of items.—Regardless of any covenants, restrictions, bylaws, rules, or requirements of an association, and unless prohibited by general
law or local ordinance, an association may not restrict parcel
owners or their tenants from installing, displaying, or storing
any items on a parcel which are not visible from the parcel's
frontage or an adjacent parcel, including, but not limited to,
artificial turf, boats, flags, vegetable gardens, clotheslines,
and recreational vehicles.

Section 7. Subsection (2) of section 720.305, Florida
Statutes, is amended, and subsections (7) through (10) are added
to that section, to read:

720.305 Obligations of members; remedies at law or in
equity; levy of fines and suspension of use rights.—

(2) An association may levy reasonable fines for
violations of the declaration, association bylaws, or reasonable
rules of the association. A fine may not exceed $100 per
violation against any member or any member's tenant, guest, or
invitee for the failure of the owner of the parcel or its
occupant, licensee, or invitee to comply with any provision of
the declaration, the association bylaws, or reasonable rules of
the association unless otherwise provided in the governing
documents. A fine may be levied by the board for each day of a
continuing violation, with a single notice and opportunity for
hearing, except that the fine may not exceed $1,000 in the
aggregate unless otherwise provided in the governing documents.
A fine of less than $1,000 may not become a lien against a
parcel. A fine that amounts to less than 1 percent of the
parcel's just value as determined by the property appraiser in accordance with chapter 193 at the time the fine was levied may only become a lien against the parcel with approval by 75 percent of the total membership of parcel owners, and fines may not be aggregated to create a lien against a parcel. In any action to recover a fine, the prevailing party is entitled to reasonable attorney fees and costs from the nonprevailing party as determined by the court.

(a) An association may suspend, for a reasonable period of time, the right of a member, or a member's tenant, guest, or invitee, to use common areas and facilities for the failure of the owner of the parcel or its occupant, licensee, or invitee to comply with any provision of the declaration, the association bylaws, or reasonable rules of the association. This paragraph does not apply to that portion of common areas used to provide access or utility services to the parcel. A suspension may not prohibit an owner or tenant of a parcel from having vehicular and pedestrian ingress to and egress from the parcel, including, but not limited to, the right to park.

(b) A fine or suspension levied by the board of administration may not be imposed unless the board first provides at least 14 days' written notice of the parcel owner's right to a hearing to the parcel owner at his or her designated mailing or e-mail address in the association's official records and, if applicable, to any occupant, licensee, or invitee of the

CODING: Words *stricken* are deletions; words *underlined* are additions.
parcel owner, sought to be fined or suspended. Such a hearing must be held within 30 days after issuance of the notice before a committee 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. The committee may hold the hearing by telephone or other electronic means. The notice must include a description of the alleged violation; the specific action required to cure such violation, if applicable; and the hearing date, and location, and access information if held by telephone or other electronic means of the hearing. A parcel owner has the right to attend a hearing by telephone or other electronic means.

(c) If the committee, by majority vote, does not approve a proposed fine or suspension, the proposed fine or suspension may not be imposed. The role of the committee is limited to determining whether to confirm or reject the fine or suspension levied by the board. If the committee, by majority vote, determines that a violation does not exist, no other action may be taken related to the alleged violation.

(d) Within 7 days after the hearing, the committee shall provide written notice to the parcel owner at his or her designated mailing or e-mail address in the association's official records and, if applicable, any occupant, licensee, or invitee of the parcel owner, of the committee's findings related
to the violation, including any applicable fines or suspensions
that the committee approved or rejected, and how the parcel
owner or any occupant, licensee, or invitee of the parcel owner
may cure the violation, if applicable, or fulfill a suspension,
or the date by which a fine must be paid.

(e) If a violation is found by the committee, but has been
cured before the hearing or in the manner specified in the
written notice required in paragraph (b) or paragraph (d), a
fine or suspension may not be imposed. Attorney fees and costs
may not be awarded against the parcel owner.

(f) If a violation found by the committee is not cured
and the proposed fine or suspension levied by the board is
approved by the committee by a majority vote, the committee must
set a date by which the fine must be paid, which date must be at
least 30 days after delivery of the written notice required in
paragraph (d). Attorney fees and costs may not be awarded
against the parcel owner based on actions taken by the board
before the date set for the fine to be paid.

(g) If a violation is found by the committee and the
proposed fine or suspension levied by the board is approved by
the committee and the violation is not cured or the fine is not
paid per the written notice required in paragraph (d),
reasonable attorney fees and costs may be awarded to the
association. Attorney fees and costs may not begin to accrue
until after the date noticed for payment under paragraph (d) and
the time for an appeal has expired.

(h) Upon receipt of a payment for any outstanding fines from a parcel owner or any occupant, licensee, or invitee of the parcel owner, the board must apply the payment first to the fine before satisfying any other amounts due to the association. Attorney fees and costs may not continue to accrue after a parcel owner or any occupant, licensee, or invitee of the parcel owner pays the fine.

(i) A parcel owner or any occupant, licensee, or invitee of the parcel owner may request a hearing before the board to dispute the reasonableness of the attorney fees and costs awarded to the association.

(j) The failure of the association to comply with this subsection constitutes a waiver of all fines or suspensions imposed or proposed for a violation.

(7) If an association allows a fine to be levied for an infraction relating to lawn, landscaping, or grass maintenance, such fine may not become a lien on a parcel.

(8) If an association allows a fine to be levied or a suspension to be imposed against a parcel owner or an occupant, a licensee, a guest, or an invitee of the parcel owner for a traffic infraction, such infraction must be determined and issued by a board-approved nonaffiliated third party specializing in traffic infractions before such fine may be levied or suspension imposed. A fine for a traffic infraction
may not become a lien on a parcel. However, a fine may not be imposed against a parcel owner for a speeding violation committed by his or her occupant, licensee, guest, or invitee. For purposes of this paragraph, the term "traffic infraction" means a noncriminal violation of parking and traffic rules adopted by the state, county, municipality, or association.

(9) Notwithstanding any provision to the contrary in an association's governing documents, an association may not levy a fine or impose a suspension for any of the following:

(a) Leaving garbage receptacles at the curb or end of the driveway within 24 hours before or after the designated garbage collection day or time.

(b) Leaving holiday decorations or lights on a structure or other improvement on a parcel longer than indicated in the governing documents, unless such decorations or lights are left up for longer than 1 week after the association provides written notice of the violation to the parcel owner.

(10) An association may not enforce a new rule or covenant against a parcel owner for an action that took place before the new rule or covenant was enacted. Fine payment is due 5 days after notice of the approved fine required under paragraph (d) is provided to the parcel owner and, if applicable, to any occupant, licensee, or invitee of the parcel owner. The association must provide written notice of such fine or suspension by mail or hand delivery to the parcel owner and, if
applicable, to any occupant, licensee, or invitee of the parcel owner.

Section 8. Subsection (3) of section 720.3075, Florida Statutes, is amended, and paragraph (c) is added to subsection (4) of that section, to read:

720.3075 Prohibited clauses in association documents.—

(3) Homeowners' association documents, including declarations of covenants, articles of incorporation, or bylaws, may not preclude:

(a) The display of up to two portable, removable flags as described in s. 720.304(2)(a) by property owners. However, all flags must be displayed in a respectful manner consistent with the requirements for the United States flag under 36 U.S.C. chapter 10.

(b) A property owner or a tenant, a guest, or an invitee of the property owner from parking his or her personal vehicle, including a pickup truck, in the property owner's driveway, in common parking lots, on public roads and rights-of-way, or in any other area at which the property owner or the property owner's tenant, guest, or invitee has a right to park as governed by state, county, and municipal regulations. The homeowners' association documents, including declarations of covenants, articles of incorporation, or bylaws, may not prohibit, regardless of any official insignia or visible designation, a property owner or a tenant, a guest, or an invitee.
invitee of the property owner from parking his or her work
vehicle, which is not a commercial motor vehicle as defined in
s. 320.01(25), in the property owner's driveway.

(c) A property owner from inviting, hiring, or allowing
entry to a contractor or worker on the owner's parcel solely
because the contractor or worker is not on a preferred vendor
list of the association. Additionally, homeowners' association
documents may not preclude a property owner from inviting,
hiring, or allowing entry to a contractor or worker on his or
her parcel solely because the contractor or worker does not have
a professional or an occupational license. The association may
not require a contractor or worker to present or prove
possession of a professional or an occupational license to be
allowed entry onto a property owner's parcel.

(d) Operating a vehicle that is not a commercial motor
vehicle as defined in s. 320.01(25) in conformance with state
traffic laws, on public roads or rights-of-way or the property
owner's parcel.

(e) A property owner from installing code-compliant
hurricane protection or home hardening, such as hurricane
shutters, impact glass, code-compliant windows or doors, or
other similar protection that complies with or exceeds the
applicable building code.

(f) A property owner from installing a roof system
recognized by the Florida Building Code that meets ASCE 7-22
standards, artificial turf, vegetable garden, or clotheslines or other energy-efficient device.

(4)

(c) Homeowners' association documents, including declarations of covenants, articles of incorporation, or bylaws, may not limit landscaping to grass-only or grass-majority lawns, or require mandatory watering for property owners. However, the association documents may provide designated timeframes for the parcel owners to follow related to the use of water for purposes of watering landscaping if the parcel owners choose to water.

Section 9. Subsection (3) of section 720.308, Florida Statutes, is amended, and subsection (7) is added to that section, to read:

720.308 Assessments and charges.—

(3) MAXIMUM LEVEL OF ASSESSMENTS.—

(a) The stated dollar amount of the guarantee must be an exact dollar amount for each parcel identified in the declaration. Regardless of the stated dollar amount of the guarantee, assessments charged to a member may not exceed the maximum obligation of the member based on the total amount of the adopted budget and the member's proportionate share of the expenses as described in the governing documents.

(b) Notwithstanding more restrictive limitations placed on the board by the governing documents and under paragraph (c), the board may not impose a regular assessment, excluding an
assessment for the association's insurance policy premium, which
is more than 10 percent greater than the regular assessment for
the association's preceding fiscal year or impose special
assessments that in the aggregate exceed 5 percent of the
budgeted gross expenses of the association for that fiscal year
without the approval of at least 60 percent of voting members at
a member meeting.

(c) The board may increase regular assessments or special
assessments beyond the limits in paragraph (b) if such increase
is necessary for the immediate physical protection of property
or public safety.

(d) While the developer is in control, the developer may
increase regular assessments or special assessments beyond the
limits in paragraph (b).

(e) If an association's insurance policy premium increases
by more than 25 percent over the preceding fiscal year's
premium, the association must solicit at least two additional
insurance quotes from an insurer other than the insurer
providing the initial quote. The board must present such quotes
to the members of the association at a member meeting for the
consideration by the members. The determination on whether to
accept the initial quote, which was for more than 25 percent of
the preceding fiscal year's premium, or accept another quote
from another insurer must be voted on by the members and
determined by majority vote.
(7) LIENS.—An assessment that amounts to less than 1 percent of the parcel's just value as determined by the property appraiser in accordance with chapter 193 at the time of the assessment may not become a lien against the parcel or the basis of a claim of lien against a parcel without the approval of a majority of voting members at a member meeting.

Section 10. Subsections (1) and (3) of section 720.3085, Florida Statutes, are amended to read:

720.3085 Payment for assessments; lien claims.—

(1) When authorized by the governing documents, the association has a lien on each parcel to secure the payment of assessments and other amounts provided for by this section. Except as otherwise set forth in this section, the lien is effective from and shall relate back to the date on which the original declaration of the community was recorded. However, as to first mortgages of record, the lien is effective from and after recording of a claim of lien in the public records of the county in which the parcel is located. This subsection does not bestow upon any lien, mortgage, or certified judgment of record on July 1, 2008, including the lien for unpaid assessments created in this section, a priority that, by law, the lien, mortgage, or judgment did not have before July 1, 2008.

(a) To be valid, a claim of lien must state the description of the parcel, the name of the record owner, the name and address of the association, the assessment amount due,
and the due date. The claim of lien secures all unpaid assessments that are due and that may accrue subsequent to the recording of the claim of lien and before entry of a certificate of title, as well as interest, late charges, and reasonable costs and attorney fees incurred by the association incident to the collection process. The person making payment is entitled to a satisfaction of the lien upon payment in full.

(b) By recording a notice in substantially the following form, a parcel owner or the parcel owner's agent or attorney may require the association to enforce a recorded claim of lien against his or her parcel:

NOTICE OF CONTEST OF LIEN

TO: ...(Name and address of association)...

You are notified that the undersigned contests the claim of lien filed by you on ...., ...(year)...., and recorded in Official Records Book .... at page ...., of the public records of .... County, Florida, and that the time within which you may file suit to enforce your lien is limited to 90 days following the date of service of this notice. Executed this .... day of ...., ...(year)....

Signed: ...(Owner or Attorney)...

After the notice of a contest of lien has been recorded, the
clerk of the circuit court shall mail a copy of the recorded
notice to the association by certified mail, return receipt
requested, at the address shown in the claim of lien or the most
recent amendment to it and shall certify to the service on the
face of the notice. Service is complete upon mailing. After
service, the association has 90 days in which to file an action
to enforce the lien and, if the action is not filed within the
90-day period, the lien is void. However, the 90-day period
shall be extended for any length of time that the association is
prevented from filing its action because of an automatic stay
resulting from the filing of a bankruptcy petition by the parcel
owner or by any other person claiming an interest in the parcel.

(c) The association may bring an action in its name to
foreclose a lien for assessments in the same manner in which a
mortgage of real property is foreclosed and may also bring an
action to recover a money judgment for the unpaid assessments
without waiving any claim of lien. The association is entitled
to recover its reasonable attorney's fees incurred in an action
to foreclose a lien or an action to recover a money judgment for
unpaid assessments.

(d) A release of lien must be in substantially the
following form:

RELEASE OF LIEN

The undersigned lienor, in consideration of the final
payment in the amount of $...., hereby waives and releases its lien and right to claim a lien for unpaid assessments through ...., ...(year)...., recorded in the Official Records Book .... at Page ...., of the public records of .... County, Florida, for the following described real property:

(PARCEL NO. .... OR LOT AND BLOCK) OF ...(subdivision name)... SUBDIVISION AS SHOWN IN THE PLAT THEREOF,
RECORDED AT PLAT BOOK ...., PAGE ...., OF THE OFFICIAL RECORDS OF .... COUNTY, FLORIDA.
...(or insert appropriate metes and bounds description here)...
...(Signature of Authorized Agent)......(Signature of Witness)...
...(Print Name)...
...(Print Name)...
...(Signature of Witness)...
...(Print Name)...

Sworn to (or affirmed) and subscribed before me this .... day of ...., ...(year)...., by ...(name of person making statement)....
...(Signature of Notary Public)...
...(Print, type, or stamp commissioned name of Notary Public)...

Personally Known .... OR Produced .... as identification.
(e) If the parcel owner remains in possession of the parcel after a foreclosure judgment has been entered, the court may require the parcel owner to pay a reasonable rent for the parcel. If the parcel is rented or leased during the pendency of the foreclosure action, the association is entitled to the appointment of a receiver to collect the rent. The expenses of the receiver must be paid by the party who does not prevail in the foreclosure action.

(f) The association may purchase the parcel at the foreclosure sale and hold, lease, mortgage, or convey the parcel.

(3) Assessments and installments on assessments that are not paid when due bear interest from the due date until paid at the rate provided in the declaration of covenants or the bylaws of the association, which rate may not exceed the rate allowed by law. If no rate is provided in the declaration or bylaws, simple interest accrues at the rate of 18 percent per year. Notwithstanding the declaration or bylaws, compound interest may not accrue on assessments and installments on assessments that are not paid when due.

(a) If the declaration or bylaws so provide, the association may also charge an administrative late fee not to exceed the greater of $25 or 5 percent of the amount of each installment that is paid past the due date.

(b) Any payment received by an association and accepted
shall be applied first to any interest accrued, then to any administrative late fee, then to any costs and reasonable attorney fees incurred in collection, and then to the delinquent assessment. This paragraph applies notwithstanding any restrictive endorsement, designation, or instruction placed on or accompanying a payment. A late fee is not subject to the provisions of chapter 687 and is not a fine. The foregoing is applicable notwithstanding s. 673.3111, any purported accord and satisfaction, or any restrictive endorsement, designation, or instruction placed on or accompanying a payment. The preceding sentence is intended to clarify existing law.

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

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

3. A parcel owner must affirmatively acknowledge his or her understanding that the association will change its method of delivery of the invoice for assessments or the statement of the account before the association may change the method of delivering an invoice for assessments or the statement of account. The parcel owner may make the affirmative acknowledgment electronically or in writing.

(d) An association may not require payment of attorney fees related to a past due assessment without first delivering a written notice of late assessment to the parcel owner which specifies the amount owed the association and provides the parcel owner an opportunity to pay the amount owed without the assessment of attorney fees. The notice of late assessment must be sent by first-class United States mail to the owner at his or her last address as reflected in the association's records and, if such address is not the parcel address, must also be sent by first-class United States mail to the parcel address. Notice is deemed to have been delivered upon mailing as required by this paragraph. A rebuttable presumption that an association mailed a notice in accordance with this paragraph is established if a
board member, officer, or agent of the association, or a manager licensed under part VIII of chapter 468, provides a sworn affidavit attesting to such mailing. The notice must be in substantially the following form:

NOTICE OF LATE ASSESSMENT
RE: Parcel ... of ...(name of association)...

The following amounts are currently due on your account to ...(name of association)..., and must be paid within 30 days after the date of this letter. This letter shall serve as the association's notice to proceed with further collection action against your property no sooner than 30 days after the date of this letter, unless you pay in full the amounts set forth below:

Maintenance due ...(dates)... $.....
Late fee, if applicable $.....
Interest through ...(dates)...* $.....
TOTAL OUTSTANDING $.....

*Interest accrues at the rate of .... percent per annum.

Section 11. Section 720.317, Florida Statutes, is amended to read:

720.317  Electronic voting.—
(1)  The association may conduct elections and other membership votes through an Internet-based online voting system if a member consents, electronically or in writing, to online voting and if the following requirements are met:
(a)(1)  The association provides each member with:
1. (a) A method to authenticate the member's identity to the online voting system.
2. (b) A method to confirm, at least 14 days before the voting deadline, that the member's electronic device can successfully communicate with the online voting system.
3. (c) A method that is consistent with the election and voting procedures in the association's bylaws.

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

1. (a) Able to authenticate the member's identity.
2. (b) Able to authenticate the validity of each electronic vote to ensure that the vote is not altered in transit.
3. (c) Able to transmit a receipt from the online voting system to each member who casts an electronic vote.
4. (d) Able to permanently separate any authentication or identifying information from the electronic election ballot, rendering it impossible to tie an election ballot to a specific member. This subparagraph paragraph only applies if the association's bylaws provide for secret ballots for the election of directors.
5. (e) Able to store and keep electronic ballots accessible to election officials for recount, inspection, and review purposes.

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

(3)(4) This section applies to an association that provides for and authorizes an online voting system pursuant to this section by a board resolution. The board resolution must provide that members receive notice of the opportunity to vote through an online voting system, must establish reasonable procedures and deadlines for members to consent, electronically or in writing, to online voting, and must establish reasonable procedures and deadlines for members to opt out of online voting after giving consent. Written notice of a meeting at which the board resolution regarding online voting will be considered must be mailed, delivered, or electronically transmitted to the unit owners and posted conspicuously on the condominium property or association property at least 14 days before the meeting. Evidence of compliance with the 14-day notice requirement must be made by an affidavit executed by the person providing the notice and filed with the official records of the association.

(4)(5) A member's consent to online voting is valid until the member opts out of online voting pursuant to the procedures established by the board of administration under subsection (3) pursuant to subsection (4).

(5)(6) This section may apply to any matter that requires a vote of the members.

Section 12. Section 720.318, Florida Statutes, is amended to read:
720.318  **First responder** Law enforcement vehicles.—An association may not prohibit a **first responder** law enforcement officer, as defined in s. 112.1815(1) or 943.10(1), who is a parcel owner, or who is a tenant, guest, or invitee of a parcel owner, from parking his or her assigned **first responder** law enforcement vehicle in an area where the parcel owner, or the tenant, guest, or invitee of the parcel owner, otherwise has a right to park, including on public roads or rights-of-way.

Section 13. This act shall take effect July 1, 2024.