

By the Committee on Regulated Industries

580-02635-24

20247044__

1 A bill to be entitled
2 An act relating to homeowners' associations; amending
3 s. 468.4334, F.S.; providing requirements for certain
4 community association managers and community
5 association management firms; amending s. 468.4337,
6 F.S.; prohibiting the Regulatory Council of Community
7 Association Managers from requiring more than a
8 specified number of hours of continuing education
9 annually for license renewal; requiring certain
10 community association managers to biennially complete
11 a specified number of hours of continuing education,
12 including a specified number of hours on a specified
13 subject; amending s. 720.303, F.S.; requiring an
14 association to post such documents on its website or
15 make such documents available through an application
16 by a specified date; providing construction; requiring
17 an association to provide certain information to
18 parcel owners upon request; requiring an association
19 to ensure certain information and records are not
20 accessible on the website or application; providing
21 that an association or its agent is not liable for the
22 disclosure of certain information; requiring an
23 association to adopt certain rules; providing criminal
24 penalties for directors or members of the board or
25 association and community association managers who
26 knowingly, willfully, and repeatedly fail to maintain
27 and make available specific records; defining the term
28 "repeatedly"; providing criminal penalties for persons
29 who knowingly and intentionally deface or destroy, or

580-02635-24

20247044__

30 intentionally fail to maintain, specified accounting
31 records; providing criminal penalties for persons who
32 willfully and intentionally refuse to release certain
33 records for specific purposes; requiring an
34 association to provide or make available subpoenaed
35 records within a certain timeframe; requiring an
36 association to assist in a law enforcement
37 investigation as allowed by law; requiring that
38 certain associations use an independent certified
39 public accountant to prepare their annual budgets;
40 prohibiting an association and its officers,
41 directors, employees, and agents from using a debit
42 card issued in the name of the association; providing
43 that persons who violate such prohibition commit theft
44 under s. 812.014, F.S., punishable as provided in that
45 section; amending s. 720.3033, F.S.; deleting a
46 requirement that an officer or director certify in
47 writing to the secretary of the association that they
48 have read certain documents; requiring newly elected
49 or appointed directors to complete certain educational
50 curriculum approved by the department within a certain
51 time period; requiring a director to retake the
52 educational curriculum after a certain time period;
53 providing subject matter for the educational
54 curriculum; requiring certain directors of an
55 association to annually complete a minimum amount of
56 continuing education; requiring the department to
57 adopt rules; providing criminal penalties for
58 officers, directors, and managers of an association

580-02635-24

20247044__

59 who accept bribes or kickbacks; requiring a director
60 or officer to be removed from office and a vacancy to
61 be declared for certain actions taken; making
62 technical changes; amending s. 720.3035, F.S.;
63 requiring an association or any architectural,
64 construction improvement, or other such committee of
65 an association to apply and enforce certain standards
66 in a specified manner with regard to all parcel
67 owners; requiring such committees to provide certain
68 written notice to a parcel owner if a certain request
69 or application is denied; making technical changes;
70 amending s. 720.3065, F.S.; providing criminal
71 penalties for certain violations related to fraudulent
72 voting activity related to association elections;
73 making technical changes; amending s. 720.3085, F.S.;
74 conforming a cross-reference; providing an effective
75 date.

76
77 Be It Enacted by the Legislature of the State of Florida:

78
79 Section 1. Section 468.4334, Florida Statutes, is amended
80 to read:

81 468.4334 Professional practice standards; liability;
82 requirements for community association managers, management
83 firms.—

84 (1) (a) A community association manager or a community
85 association management firm is deemed to act as agent on behalf
86 of a community association as principal within the scope of
87 authority authorized by a written contract or under this

580-02635-24

20247044__

88 chapter. A community association manager and a community
89 association management firm shall discharge duties performed on
90 behalf of the association as authorized by this chapter loyally,
91 skillfully, and diligently; dealing honestly and fairly; in good
92 faith; with care and full disclosure to the community
93 association; accounting for all funds; and not charging
94 unreasonable or excessive fees.

95 (b) If a community association manager or a community
96 association management firm has a contract with a community
97 association that is subject to s. 553.899, the community
98 association manager or the community association management firm
99 must comply with that section as directed by the board.

100 (2) (a) A contract between a community association and a
101 community association manager or a contract between a community
102 association and a community association management firm may
103 provide that the community association indemnifies and holds
104 harmless the community association manager and the community
105 association management firm for ordinary negligence resulting
106 from the manager or management firm's act or omission that is
107 the result of an instruction or direction of the community
108 association. This paragraph does not preclude any other
109 negotiated indemnity or hold harmless provision.

110 (b) Indemnification under paragraph (a) may not cover any
111 act or omission that violates a criminal law; derives an
112 improper personal benefit, either directly or indirectly; is
113 grossly negligent; or is reckless, is in bad faith, is with
114 malicious purpose, or is in a manner exhibiting wanton and
115 willful disregard of human rights, safety, or property.

116 (3) A community association manager or a community

580-02635-24

20247044__

117 association management firm that is authorized by contract to
118 provide community association management services to a
119 homeowners' association shall do all of the following:

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

122 (b) Provide to the members of the homeowners' association
123 the name of and contact information for each community
124 association manager or representative of the community
125 association management firm assigned to the homeowners'
126 association, the manager's or representative's hours of
127 availability, and a summary of the duties for which the manager
128 or representative is responsible. The homeowners' association
129 shall also post this information on the association's website or
130 the application required under s. 720.303(4)(b). The community
131 association manager or community association management firm
132 shall notify the homeowners' association and its members within
133 14 business days after any change to such information.

134 (c) Upon request, provide to any member a copy of the
135 contract between the community association manager or community
136 association management firm and the homeowners' association and
137 keep such contract as an official record of the association.

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

140 468.4337 Continuing education.—The department may not renew
141 a license until the licensee submits proof that the licensee has
142 completed the requisite hours of continuing education. ~~No more~~
143 ~~than 10 hours of continuing education annually shall be required~~
144 ~~for renewal of a license.~~ The number of continuing education
145 hours, criteria, and course content must ~~shall~~ be approved by

580-02635-24

20247044__

146 the council by rule. The council may not require more than 10
147 hours of continuing education annually for renewal of a license.
148 A community association manager who provides community
149 association management services to a homeowners' association
150 must biennially complete at least 5 hours of continuing
151 education that pertains specifically to homeowners'
152 associations, 3 hours of which must relate to recordkeeping.

153 Section 3. Subsections (4) and (5) and paragraphs (a), (d),
154 and (f) of subsection (6) of section 720.303, Florida Statutes,
155 are amended, and subsection (13) is added to that section, to
156 read:

157 720.303 Association powers and duties; meetings of board;
158 official records; budgets; financial reporting; association
159 funds; recalls.—

160 (4) OFFICIAL RECORDS.—

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

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

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

172 3.(e) A copy of the articles of incorporation of the
173 association and of each amendment thereto.

174 4.(d) A copy of the declaration of covenants and a copy of

580-02635-24

20247044__

175 each amendment thereto.

176 5.(e) A copy of the current rules of the homeowners'
177 association.

178 6.(f) The minutes of all meetings of the board of directors
179 and of the members, ~~which minutes must be retained for at least~~
180 ~~7 years.~~

181 7.(g) A current roster of all members and their designated
182 mailing addresses and parcel identifications. A member's
183 designated mailing address is the member's property address,
184 unless the member has sent written notice to the association
185 requesting that a different mailing address be used for all
186 required notices. The association shall also maintain the e-mail
187 addresses and the facsimile numbers designated by members for
188 receiving notice sent by electronic transmission of those
189 members consenting to receive notice by electronic transmission.
190 A member's e-mail address is the e-mail address the member
191 provided when consenting in writing to receiving notice by
192 electronic transmission, unless the member has sent written
193 notice to the association requesting that a different e-mail
194 address be used for all required notices. The e-mail addresses
195 and facsimile numbers provided by members to receive notice by
196 electronic transmission must be removed from association records
197 when the member revokes consent to receive notice by electronic
198 transmission. However, the association is not liable for an
199 erroneous disclosure of the e-mail address or the facsimile
200 number for receiving electronic transmission of notices.

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

203 9.(i) A current copy of all contracts to which the

580-02635-24

20247044__

204 association is a party, including, without limitation, any
205 management agreement, lease, or other contract under which the
206 association has any obligation or responsibility. Bids received
207 by the association for work to be performed are ~~must also be~~
208 considered official records and must be kept for a period of 1
209 year.

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

215 a.1. Accurate, itemized, and detailed records of all
216 receipts and expenditures.

217 b.2. A current account and a periodic statement of the
218 account for each member, designating the name and current
219 address of each member who is obligated to pay assessments, the
220 due date and amount of each assessment or other charge against
221 the member, the date and amount of each payment on the account,
222 and the balance due.

223 c.3. All tax returns, financial statements, and financial
224 reports of the association.

225 d.4. Any other records that identify, measure, record, or
226 communicate financial information.

227 11.~~(k)~~ A copy of the disclosure summary described in s.
228 720.401(1).

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

580-02635-24

20247044__

233 13.~~(m)~~ All affirmative acknowledgments made pursuant to s.
234 720.3085(3)(c)3.

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

238 (b)1. By January 1, 2025, an association shall post a
239 current digital copy of the documents specified in paragraph (a)
240 on its website or make such documents available through an
241 application that can be downloaded on a mobile device.

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

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

252 4. The association shall ensure that the information and
253 records described in paragraph (5)(d), which are not allowed to
254 be accessible to parcel owners, are not posted on the
255 association's website or application. If protected information
256 or information restricted from being accessible to parcel owners
257 is included in documents that are required to be posted on the
258 association's website or application, the association must
259 ensure the information is redacted before posting the documents.
260 Notwithstanding the foregoing, the association or its authorized
261 agent is not liable for disclosing information that is protected

580-02635-24

20247044__

262 or restricted under paragraph (5) (d) unless such disclosure was
263 made with a knowing or intentional disregard of the protected or
264 restricted nature of such information.

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

270 (5) INSPECTION AND COPYING OF RECORDS.—

271 (a) Unless otherwise provided by law or the governing
272 documents of the association, the official records shall be
273 maintained within the state for at least 7 years and must ~~shall~~
274 be made available to a parcel owner for inspection or
275 photocopying within 45 miles of the community or within the
276 county in which the association is located within 10 business
277 days after receipt by the board or its designee of a written
278 request. This subsection may be complied with by having a copy
279 of the official records available for inspection or copying in
280 the community or, at the option of the association, by making
281 the records available to a parcel owner electronically via the
282 Internet or by allowing the records to be viewed in electronic
283 format on a computer screen and printed upon request. If the
284 association has a photocopy machine available where the records
285 are maintained, it must provide parcel owners with copies on
286 request during the inspection if the entire request is limited
287 to no more than 25 pages. An association shall allow a member or
288 his or her authorized representative to use a portable device,
289 including a smartphone, tablet, portable scanner, or any other
290 technology capable of scanning or taking photographs, to make an

580-02635-24

20247044__

291 electronic copy of the official records in lieu of the
292 association's providing the member or his or her authorized
293 representative with a copy of such records. The association may
294 not charge a fee to a member or his or her authorized
295 representative for the use of a portable device.

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

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

307 (d) Any director or member of the board or association or a
308 community association manager who knowingly, willfully, and
309 repeatedly violates paragraph (a) commits a misdemeanor of the
310 second degree, punishable as provided in s. 775.082 or s.
311 775.083, and shall be deemed removed from office and a vacancy
312 declared. For purposes of this paragraph, the term "repeatedly"
313 means two or more violations within a 12-month period.

314 (e) Any person who knowingly or intentionally defaces or
315 destroys accounting records that are required by this chapter to
316 be maintained during the period for which such records are
317 required to be maintained, or who knowingly or intentionally
318 fails to create or maintain accounting records that are required
319 to be created or maintained, with the intent of causing harm to

580-02635-24

20247044__

320 the association or one or more of its members, commits a
321 misdemeanor of the first degree, punishable as provided in s.
322 775.082 or s. 775.083, and shall be deemed removed from office
323 and a vacancy declared.

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

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

580-02635-24

20247044__

349 by an outside duplicating service and may charge the actual cost
350 of copying, as supported by the vendor invoice. The association
351 shall maintain an adequate number of copies of the recorded
352 governing documents, to ensure their availability to members and
353 prospective members. Notwithstanding this paragraph, the
354 following records are not accessible to members or parcel
355 owners:

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

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

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

373 4. Personnel records of association or management company
374 employees, including, but not limited to, disciplinary, payroll,
375 health, and insurance records. For purposes of this
376 subparagraph, the term "personnel records" does not include
377 written employment agreements with an association or management

580-02635-24

20247044__

378 company employee or budgetary or financial records that indicate
379 the compensation paid to an association or management company
380 employee.

381 5. Medical records of parcel owners or community residents.

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

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

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

406 9. All affirmative acknowledgments made pursuant to s.

580-02635-24

20247044__

407 720.3085(3)(c)3.

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

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

428 (6) BUDGETS.—

429 (a)1. The association shall prepare an annual budget that
430 sets out the annual operating expenses. The budget must reflect
431 the estimated revenues and expenses for that year and the
432 estimated surplus or deficit as of the end of the current year.
433 The budget must set out separately all fees or charges paid for
434 by the association for recreational amenities, whether owned by
435 the association, the developer, or another person. The

580-02635-24

20247044__

436 association shall provide each member with a copy of the annual
437 budget or a written notice that a copy of the budget is
438 available upon request at no charge to the member. The copy must
439 be provided to the member within the time limits set forth in
440 subsection (5).

441 2. An association that has 2,500 members or more must use
442 an independent certified public accountant to prepare the
443 association's annual budget. Such association must also retain
444 an attorney to advise the association and its members on
445 procedural matters relating to the annual budget and to foster
446 communications between the board and the members of the
447 association. The independent certified public accountant or
448 attorney required under this subparagraph may not be:

449 a. The community association manager or an employee of the
450 community association management firm providing community
451 association management services to the association; or

452 b. An officer or a director of the association or an
453 immediate family member of an officer or a director.

454 (d) An association is deemed to have provided for reserve
455 accounts upon the affirmative approval of a majority of the
456 total voting interests of the association. Such approval may be
457 obtained by vote of the members at a duly called meeting of the
458 membership or by the written consent of a majority of the total
459 voting interests of the association. The approval action of the
460 membership must state that reserve accounts shall be provided
461 for in the budget and must designate the components for which
462 the reserve accounts are to be established. Upon approval by the
463 membership, the board of directors or the independent certified
464 public accountant, if required under paragraph (a), shall

580-02635-24

20247044__

465 include the required reserve accounts in the budget in the next
466 fiscal year following the approval and each year thereafter.
467 Once established as provided in this subsection, the reserve
468 accounts must be funded or maintained or have their funding
469 waived in the manner provided in paragraph (f).

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

481 (13) DEBIT CARDS.-

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

486 (b) A person who uses a debit card issued in the name of
487 the association, or billed directly to the association, for any
488 expense that is not a lawful obligation of the association
489 commits theft under s. 812.014, and shall be deemed removed from
490 office and a vacancy declared.

491
492 For the purposes of this subsection, the term "lawful obligation
493 of the association" means an obligation that has been properly

580-02635-24

20247044__

494 preapproved by the board and is reflected in the meeting minutes
495 or the written budget.

496 Section 4. Subsections (1), (3), and (4) of section
497 720.3033, Florida Statutes, are amended to read:

498 720.3033 Officers and directors.—

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

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

516 2. The certificate of completion is valid for a maximum of
517 4 years.

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

520 4. The department-approved educational curriculum specific
521 to newly elected or appointed directors must include training
522 relating to financial literacy and transparency, recordkeeping,

580-02635-24

20247044__

523 levying of fines, and notice and meeting requirements.

524 5. In addition to the educational curriculum specific to
525 newly elected or appointed directors:

526 a. A director of an association that has fewer than 2,500
527 members must complete at least 4 hours of continuing education
528 annually.

529 b. A director of an association that has 2,500 members or
530 more must complete at least 8 hours of continuing education
531 annually within 1 year before or 90 days after the date of
532 election or appointment.

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

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

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

548 (3) An officer, a director, or a manager may not solicit,
549 offer to accept, or accept any thing or service of value for
550 which consideration has not been provided for his or her benefit
551 or for the benefit of a member of his or her immediate family

580-02635-24

20247044__

552 from any person providing or proposing to provide goods or
553 services to the association. An officer, a director, or a
554 manager who knowingly solicits, offers to accept, or accepts any
555 thing or service of value or kickback for which consideration
556 has not been provided for his or her own benefit or that of his
557 or her immediate family from any person providing or proposing
558 to provide goods or services to the association commits a felony
559 of the third degree, punishable as provided in s. 775.082, s.
560 775.083, or s. 775.084, and is subject to monetary damages under
561 s. 617.0834. If the board finds that an officer or a director
562 has violated this subsection, the officer or director is deemed
563 removed from office and a vacancy declared ~~board shall~~
564 ~~immediately remove the officer or director from office.~~ The
565 vacancy shall be filled according to law until the end of the
566 officer's or director's term of office. However, an officer, a
567 director, or a manager may accept food to be consumed at a
568 business meeting with a value of less than \$25 per individual or
569 a service or good received in connection with trade fairs or
570 education programs.

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

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

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

578 3. Destruction of or the refusal to allow inspection or
579 copying of an official record of a homeowners' association which
580 is accessible to parcel owners within the time periods required

580-02635-24

20247044__

581 by general law, in furtherance of any crime. Such act
582 constitutes tampering with physical evidence as provided in s.
583 918.13.

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

585 5. Any criminal violation under this chapter.

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

588 720.3035 Architectural control covenants; parcel owner
589 improvements; rights and privileges.—

590 (1) The authority of an association or any architectural,
591 construction improvement, or other such similar committee of an
592 association to review and approve plans and specifications for
593 the location, size, type, or appearance of any structure or
594 other improvement on a parcel, or to enforce standards for the
595 external appearance of any structure or improvement located on a
596 parcel, ~~is shall be~~ permitted only to the extent that the
597 authority is specifically stated or reasonably inferred as to
598 such location, size, type, or appearance in the declaration of
599 covenants or other published guidelines and standards authorized
600 by the declaration of covenants. An association or any
601 architectural, construction improvement, or similar committee of
602 an association must reasonably and equitably apply and enforce
603 on all parcel owners the architectural and construction
604 improvement standards authorized by the declaration of covenants
605 or other published guidelines and standards authorized by the
606 declaration of covenants.

607 (4) Each parcel owner ~~is shall be~~ entitled to the rights
608 and privileges set forth in the declaration of covenants or
609 other published guidelines and standards authorized by the

580-02635-24

20247044__

610 declaration of covenants concerning the architectural use of the
611 parcel, and the construction of permitted structures and
612 improvements on the parcel and such rights and privileges may
613 ~~shall~~ not be unreasonably infringed upon or impaired by the
614 association or any architectural, construction improvement, or
615 other such similar committee of the association. If the
616 association or any architectural, construction improvement, or
617 other such similar committee of the association denies a parcel
618 owner's request or application for the construction of a
619 structure or other improvement on a parcel, the association or
620 committee must provide written notice to the parcel owner
621 stating with specificity the rule or covenant on which the
622 association or committee relied when denying the request or
623 application and the specific aspect or part of the proposed
624 improvement that does not conform to such rule or covenant. If
625 the association or any architectural, construction improvement,
626 or other such similar committee of the association should
627 unreasonably, knowingly, and willfully infringe upon or impair
628 the rights and privileges set forth in the declaration of
629 covenants or other published guidelines and standards authorized
630 by the declaration of covenants, the adversely affected parcel
631 owner is ~~shall be~~ entitled to recover damages caused by such
632 infringement or impairment, including any costs and reasonable
633 attorney ~~attorney's~~ fees incurred in preserving or restoring the
634 rights and privileges of the parcel owner set forth in the
635 declaration of covenants or other published guidelines and
636 standards authorized by the declaration of covenants.

637 Section 6. Section 720.3065, Florida Statutes, is amended
638 to read:

580-02635-24

20247044__

639 720.3065 Fraudulent voting activities relating to
640 association elections; penalties.-

641 (1) A person who engages in any ~~Each~~ of the following acts
642 of is a fraudulent voting activity relating to association
643 elections commits and constitutes a misdemeanor of the first
644 degree, punishable as provided in s. 775.082 or s. 775.083:

645 (a) ~~(1)~~ Willfully and falsely swearing to or affirming an
646 oath or affirmation, or willfully procuring another person to
647 falsely swear to or affirm an oath or affirmation, in connection
648 with or arising out of voting activities.

649 (b) ~~(2)~~ Perpetrating or attempting to perpetrate, or aiding
650 in the perpetration of, fraud in connection with a vote cast, to
651 be cast, or attempted to be cast.

652 (c) ~~(3)~~ Preventing a member from voting or preventing a
653 member from voting as he or she intended by fraudulently
654 changing or attempting to change a ballot, ballot envelope,
655 vote, or voting certificate of the member.

656 (d) ~~(4)~~ Menacing, threatening, or using bribery or any other
657 corruption to attempt, directly or indirectly, to influence,
658 deceive, or deter a member when the member is voting.

659 (e) ~~(5)~~ Giving or promising, directly or indirectly,
660 anything of value to another member with the intent to buy the
661 vote of that member or another member or to corruptly influence
662 that member or another member in casting his or her vote. This
663 subsection does not apply to any food served which is to be
664 consumed at an election rally or a meeting or to any item of
665 nominal value which is used as an election advertisement,
666 including a campaign message designed to be worn by a member.

667 (f) ~~(6)~~ Using or threatening to use, directly or indirectly,

580-02635-24

20247044__

668 force, violence, or intimidation or any tactic of coercion or
669 intimidation to induce or compel a member to vote or refrain
670 from voting in an election or on a particular ballot measure.

671 (2) A person who engages in any of the following acts
672 commits a misdemeanor of the first degree, punishable as
673 provided in s. 775.082 or s. 775.083:

674 (a) Knowingly aiding, abetting, or advising a person in the
675 commission of a fraudulent voting activity related to
676 association elections.

677 (b) Agreeing, conspiring, combining, or confederating with
678 at least one other person to commit a fraudulent voting activity
679 related to association elections.

680 (c) Having knowledge of a fraudulent voting activity
681 related to association elections and giving any aid to the
682 offender with intent that the offender avoid or escape
683 detection, arrest, trial, or punishment.

684
685 This subsection does not apply to a licensed attorney giving
686 legal advice to a client.

687 Section 7. Paragraph (c) of subsection (3) of section
688 720.3085, Florida Statutes, is amended to read:

689 720.3085 Payment for assessments; lien claims.—

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

696 (c)1. If an association sends out an invoice for

580-02635-24

20247044__

697 assessments or a parcel's statement of the account described in
698 s. 720.303(4)(a)10.b. ~~s. 720.303(4)(j)2.~~, the invoice for
699 assessments or the parcel's statement of account must be
700 delivered to the parcel owner by first-class United States mail
701 or by electronic transmission to the parcel owner's e-mail
702 address maintained in the association's official records.

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

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

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