

By the Committees on Rules; and Regulated Industries; and
Senator Bradley

595-03349-24

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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 maintain certain documents for a
15 specified timeframe; requiring certain associations to
16 post certain documents on their website or make them
17 available through an application on a mobile device;
18 providing construction; requiring an association to
19 provide certain information to parcel owners upon
20 written request; requiring an association to ensure
21 certain information and records are not accessible on
22 the website or application; providing that an
23 association or its agent is not liable for the
24 disclosure of certain information; requiring an
25 association to adopt certain rules; providing criminal
26 penalties for directors or members of the board or
27 association and community association managers who
28 knowingly, willfully, and repeatedly fail to maintain
29 and make available specific records; defining the term

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30 "repeatedly"; providing criminal penalties for persons
31 who knowingly and intentionally deface or destroy, or
32 intentionally fail to maintain, specified accounting
33 records; providing criminal penalties for persons who
34 willfully and knowingly refuse to release certain
35 records for specific purposes; requiring an
36 association to provide or make available subpoenaed
37 records within a certain timeframe; requiring an
38 association to assist in a law enforcement
39 investigation as allowed by law; requiring certain
40 associations to prepare audited financial statements;
41 prohibiting an association from preparing financial
42 statements for consecutive fiscal years; prohibiting
43 an association and its officers, directors, employees,
44 and agents from using a debit card issued in the name
45 of the association; providing that persons who violate
46 such prohibition commit theft under s. 812.014, F.S.,
47 punishable as provided in that section; defining the
48 term "lawful obligation of the association"; making
49 technical changes; amending s. 720.3033, F.S.;

50 deleting a requirement that a director certify in
51 writing to the secretary of the association that he or
52 she has read certain documents; requiring newly
53 elected or appointed directors to complete certain
54 educational curriculum approved by the department
55 within a certain time period; requiring a director to
56 retake the educational curriculum after a certain time
57 period; providing subject matter for the educational
58 curriculum; requiring certain directors of an

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59 association to annually complete a minimum amount of
60 continuing education; requiring the department to
61 adopt rules; prohibiting officers, directors, or
62 managers of an association from soliciting, offering
63 to accept, or accepting a kickback; defining the term
64 "kickback"; providing criminal penalties for officers,
65 directors, and managers of an association who accept
66 bribes or kickbacks; making technical changes;
67 amending s. 720.3035, F.S.; requiring an association
68 or any architectural, construction improvement, or
69 other such committee of an association to apply and
70 enforce certain standards in a specified manner with
71 regard to all parcel owners; requiring such committees
72 to provide certain written notice to a parcel owner if
73 a certain request or application is denied; making
74 technical changes; amending s. 720.3065, F.S.;
75 providing criminal penalties for certain violations
76 related to fraudulent voting activity related to
77 association elections; making technical changes;
78 amending s. 720.3085, F.S.; conforming a cross-
79 reference; amending s. 720.317, F.S.; providing that a
80 homeowner may consent to online voting electronically,
81 as well as in writing, and that association boards
82 must establish reasonable procedures for giving such
83 consent; providing an effective date.

84
85 Be It Enacted by the Legislature of the State of Florida:

86
87 Section 1. Section 468.4334, Florida Statutes, is amended

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88 to read:

89 468.4334 Professional practice standards; liability;
90 requirements for community association managers, management
91 firms.—

92 (1) (a) A community association manager or a community
93 association management firm is deemed to act as agent on behalf
94 of a community association as principal within the scope of
95 authority authorized by a written contract or under this
96 chapter. A community association manager and a community
97 association management firm shall discharge duties performed on
98 behalf of the association as authorized by this chapter loyally,
99 skillfully, and diligently; dealing honestly and fairly; in good
100 faith; with care and full disclosure to the community
101 association; accounting for all funds; and not charging
102 unreasonable or excessive fees.

103 (b) If a community association manager or a community
104 association management firm has a contract with a community
105 association that is subject to s. 553.899, the community
106 association manager or the community association management firm
107 must comply with that section as directed by the board.

108 (2) (a) A contract between a community association and a
109 community association manager or a contract between a community
110 association and a community association management firm may
111 provide that the community association indemnifies and holds
112 harmless the community association manager and the community
113 association management firm for ordinary negligence resulting
114 from the manager or management firm's act or omission that is
115 the result of an instruction or direction of the community
116 association. This paragraph does not preclude any other

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117 negotiated indemnity or hold harmless provision.

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

124 (3) A community association manager or a community
125 association management firm that is authorized by contract to
126 provide community association management services to a
127 homeowners' association shall do all of the following:

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

130 (b) Provide to the members of the homeowners' association
131 the name of and contact information for each community
132 association manager or representative of the community
133 association management firm assigned to the homeowners'
134 association, the manager's or representative's hours of
135 availability, and a summary of the duties for which the manager
136 or representative is responsible. The homeowners' association
137 shall also post this information on the association's website or
138 the application required under s. 720.303(4)(b). The community
139 association manager or community association management firm
140 shall notify the homeowners' association and its members within
141 14 business days after any change to such information.

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

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

148 468.4337 Continuing education.—The department may not renew
149 a license until the licensee submits proof that the licensee has
150 completed the requisite hours of continuing education. ~~No more~~
151 ~~than 10 hours of continuing education annually shall be required~~
152 ~~for renewal of a license.~~ The number of continuing education
153 hours, criteria, and course content must shall be approved by
154 the council by rule. The council may not require more than 10
155 hours of continuing education annually for renewal of a license.

156 A community association manager who provides community
157 association management services to a homeowners' association
158 must biennially complete at least 5 hours of continuing
159 education that pertains specifically to homeowners'
160 associations, 3 hours of which must relate to recordkeeping.

161 Section 3. Subsections (4) and (5), paragraph (f) of
162 subsection (6), and paragraph (a) of subsection (7) of section
163 720.303, Florida Statutes, are amended, and subsection (13) is
164 added to that section, to read:

165 720.303 Association powers and duties; meetings of board;
166 official records; budgets; financial reporting; association
167 funds; recalls.—

168 (4) OFFICIAL RECORDS.—

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

174 1.~~(a)~~ Copies of any plans, specifications, permits, and

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175 warranties related to improvements constructed on the common
176 areas or other property that the association is obligated to
177 maintain, repair, or replace.

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

180 3.~~(e)~~ A copy of the articles of incorporation of the
181 association and of each amendment thereto.

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

184 5.~~(e)~~ A copy of the current rules of the homeowners'
185 association.

186 6.~~(f)~~ The minutes of all meetings of the board of directors
187 and of the members, ~~which minutes must be retained for at least~~
188 ~~7~~ years.

189 7.~~(g)~~ A current roster of all members and their designated
190 mailing addresses and parcel identifications. A member's
191 designated mailing address is the member's property address,
192 unless the member has sent written notice to the association
193 requesting that a different mailing address be used for all
194 required notices. The association shall also maintain the e-mail
195 addresses and the facsimile numbers designated by members for
196 receiving notice sent by electronic transmission of those
197 members consenting to receive notice by electronic transmission.
198 A member's e-mail address is the e-mail address the member
199 provided when consenting in writing to receiving notice by
200 electronic transmission, unless the member has sent written
201 notice to the association requesting that a different e-mail
202 address be used for all required notices. The e-mail addresses
203 and facsimile numbers provided by members to receive notice by

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204 electronic transmission must be removed from association records
205 when the member revokes consent to receive notice by electronic
206 transmission. However, the association is not liable for an
207 erroneous disclosure of the e-mail address or the facsimile
208 number for receiving electronic transmission of notices.

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

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

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

223 ~~a.1.~~ Accurate, itemized, and detailed records of all
224 receipts and expenditures.

225 ~~b.2.~~ A current account and a periodic statement of the
226 account for each member, designating the name and current
227 address of each member who is obligated to pay assessments, the
228 due date and amount of each assessment or other charge against
229 the member, the date and amount of each payment on the account,
230 and the balance due.

231 ~~c.3.~~ All tax returns, financial statements, and financial
232 reports of the association.

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

235 ~~11.(k)~~ A copy of the disclosure summary described in s.
236 720.401(1).

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

241 ~~13.(m)~~ All affirmative acknowledgments made pursuant to s.
242 720.3085(3)(c)3.

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

246 (b)1. By January 1, 2025, an association with 100 or more
247 parcels shall post a current digital copy of the documents
248 specified in subparagraph 3. on its website or make such
249 documents available through an application that can be
250 downloaded on a mobile device.

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

256 3. A current copy of the following documents must be posted
257 in digital format on the association's website or application:

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

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

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- 262 c. The declaration of covenants and a copy of each
263 amendment thereto.
- 264 d. The current rules of the association.
- 265 e. A list of all current executory contracts or documents
266 to which the association is a party or under which the
267 association or the unit owners have an obligation or
268 responsibility and, after bidding for the related materials,
269 equipment, or services has closed, a list of bids received by
270 the association within the past year.
- 271 f. The annual budget required by subsection (6) and any
272 proposed budget to be considered at the annual meeting.
- 273 g. The financial report required by subsection (7) and any
274 monthly income or expense statement to be considered at a
275 meeting.
- 276 h. The association's current insurance policies.
- 277 i. The certification of each director required by s.
278 720.3033(1) (a).
- 279 j. All contracts or transactions between the association
280 and any director, officer, corporation, firm, or association
281 that is not an affiliated homeowners' association or any other
282 entity in which an association director is also a director or
283 officer and financially interested.
- 284 k. Any contract or document regarding a conflict of
285 interest or possible conflict of interest as provided in ss.
286 468.436(2) (b) 6. and 720.3033(2).
- 287 l. Notice of any meeting of members and the agenda for the
288 meeting, as required by s. 720.306, no later than 14 days before
289 the meeting. The notice must be posted in plain view on the
290 homepage of the website or application, or on a separate subpage

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291 of the website or application labeled "Notices" which is
292 conspicuously visible and linked from the homepage. The
293 association must also post on its website or application any
294 document to be considered and voted on by the owners during the
295 meeting or any document listed on the agenda at least 7 days
296 before the meeting at which the document or the information
297 within the document will be considered.

298 m. Notice of any board meeting, the agenda, and any other
299 document required for the meeting as required by subsection (3),
300 which must be posted no later than the date required for notice
301 under subsection (3).

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

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

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

326 (5) INSPECTION AND COPYING OF RECORDS.—

327 (a) Unless otherwise provided by law or the governing
328 documents of the association, the official records shall be
329 maintained within the state for at least 7 years and must ~~shall~~
330 be made available to a parcel owner for inspection or
331 photocopying within 45 miles of the community or within the
332 county in which the association is located within 10 business
333 days after receipt by the board or its designee of a written
334 request. This subsection may be complied with by having a copy
335 of the official records available for inspection or copying in
336 the community or, at the option of the association, by making
337 the records available to a parcel owner electronically via the
338 Internet or by allowing the records to be viewed in electronic
339 format on a computer screen and printed upon request. If the
340 association has a photocopy machine available where the records
341 are maintained, it must provide parcel owners with copies on
342 request during the inspection if the entire request is limited
343 to no more than 25 pages. An association shall allow a member or
344 his or her authorized representative to use a portable device,
345 including a smartphone, tablet, portable scanner, or any other
346 technology capable of scanning or taking photographs, to make an
347 electronic copy of the official records in lieu of the
348 association's providing the member or his or her authorized

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349 representative with a copy of such records. The association may
350 not charge a fee to a member or his or her authorized
351 representative for the use of a portable device.

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

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

363 (d) Any director or member of the board or association or a
364 community association manager who knowingly, willfully, and
365 repeatedly violates paragraph (a), with the intent of causing
366 harm to the association or one or more of its members, commits a
367 misdemeanor of the second degree, punishable as provided in s.
368 775.082 or s. 775.083. For purposes of this paragraph, the term
369 "repeatedly" means two or more violations within a 12-month
370 period.

371 (e) Any person who knowingly and intentionally defaces or
372 destroys accounting records during the period in which such
373 records are required to be maintained, or who knowingly or
374 intentionally fails to create or maintain accounting records
375 that are required to be created or maintained, with the intent
376 of causing harm to the association or one or more of its
377 members, commits a misdemeanor of the first degree, punishable

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378 as provided in s. 775.082 or s. 775.083.

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

385 (g)~~(e)~~ The association may adopt reasonable written rules
386 governing the frequency, time, location, notice, records to be
387 inspected, and manner of inspections, but may not require a
388 parcel owner to demonstrate any proper purpose for the
389 inspection, state any reason for the inspection, or limit a
390 parcel owner's right to inspect records to less than one 8-hour
391 business day per month. The association may impose fees to cover
392 the costs of providing copies of the official records, including
393 the costs of copying and the costs required for personnel to
394 retrieve and copy the records if the time spent retrieving and
395 copying the records exceeds one-half hour and if the personnel
396 costs do not exceed \$20 per hour. Personnel costs may not be
397 charged for records requests that result in the copying of 25 or
398 fewer pages. The association may charge up to 25 cents per page
399 for copies made on the association's photocopier. If the
400 association does not have a photocopy machine available where
401 the records are kept, or if the records requested to be copied
402 exceed 25 pages in length, the association may have copies made
403 by an outside duplicating service and may charge the actual cost
404 of copying, as supported by the vendor invoice. The association
405 shall maintain an adequate number of copies of the recorded
406 governing documents, to ensure their availability to members and

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407 prospective members. Notwithstanding this paragraph, the
408 following records are not accessible to members or parcel
409 owners:

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

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

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

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

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

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

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

456 8. The software and operating system used by the
457 association which allows the manipulation of data, even if the
458 owner owns a copy of the same software used by the association.
459 The data is part of the official records of the association.

460 9. All affirmative acknowledgments made pursuant to s.
461 720.3085(3)(c)3.

462 (h)~~(d)~~ The association or its authorized agent is not
463 required to provide a prospective purchaser or lienholder with
464 information about the residential subdivision or the association

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465 other than information or documents required by this chapter to
466 be made available or disclosed. The association or its
467 authorized agent may charge a reasonable fee to the prospective
468 purchaser or lienholder or the current parcel owner or member
469 for providing good faith responses to requests for information
470 by or on behalf of a prospective purchaser or lienholder, other
471 than that required by law, if the fee does not exceed \$150 plus
472 the reasonable cost of photocopying and any attorney fees
473 incurred by the association in connection with the response.

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

482 (6) BUDGETS.—

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

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

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

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

516 2. An association with total annual revenues of at least
517 \$300,000, but less than \$500,000, shall prepare reviewed
518 financial statements.

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

521 4. An association with 1,000 or more parcels shall prepare
522 audited financial statements, notwithstanding the association's

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523 total annual revenues.

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

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

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

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

535

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

538 (13) DEBIT CARDS.—

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

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

547

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

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552 Section 4. Subsections (1), (3), and (4) of section
553 720.3033, Florida Statutes, are amended to read:

554 720.3033 Officers and directors.—

555 (1) (a) Within 90 days after being elected or appointed to
556 the board, each ~~director shall certify in writing to the~~
557 ~~secretary of the association that he or she has read the~~
558 ~~association's declaration of covenants, articles of~~
559 ~~incorporation, bylaws, and current written rules and policies;~~
560 ~~that he or she will work to uphold such documents and policies~~
561 ~~to the best of his or her ability; and that he or she will~~
562 ~~faithfully discharge his or her fiduciary responsibility to the~~
563 ~~association's members. Within 90 days after being elected or~~
564 ~~appointed to the board, in lieu of such written certification,~~
565 ~~the newly elected or appointed director must may submit a~~
566 certificate of having satisfactorily completed the educational
567 curriculum administered by a department-approved, division-
568 approved education provider.

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

572 2. The certificate of completion is valid for a maximum of
573 4 years.

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

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

580 5. In addition to the educational curriculum specific to

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581 newly elected or appointed directors:

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

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

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

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

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

604 (3) An officer, a director, or a manager may not solicit,
605 offer to accept, or accept a kickback. As used in this
606 subsection, the term "kickback" means any thing or service of
607 value for which consideration has not been provided for an
608 officer's, a director's, or a manager's ~~his or her~~ benefit or
609 for the benefit of a member of his or her immediate family from

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610 any person providing or proposing to provide goods or services
 611 to the association. An officer, a director, or a manager who
 612 knowingly solicits, offers to accept, or accepts a any thing or
 613 ~~service of value or~~ kickback commits a felony of the third
 614 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 615 775.084, and for which consideration has not been provided for
 616 ~~his or her own benefit or that of his or her immediate family~~
 617 ~~from any person providing or proposing to provide goods or~~
 618 ~~services to the association~~ is subject to monetary damages under
 619 s. 617.0834. ~~If the board finds that an officer or a director~~
 620 ~~has violated this subsection, the board shall immediately remove~~
 621 ~~the officer or director from office.~~ The vacancy shall be filled
 622 according to law until the end of the officer's or director's
 623 term of office. However, an officer, a director, or a manager
 624 may accept food to be consumed at a business meeting with a
 625 value of less than \$25 per individual or a service or good
 626 received in connection with trade fairs or education programs.

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

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

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

634 3. Destruction of or the refusal to allow inspection or
 635 copying of an official record of a homeowners' association which
 636 is accessible to parcel owners within the time periods required
 637 by general law, in furtherance of any crime. Such act
 638 constitutes tampering with physical evidence as provided in s.

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639 918.13.

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

641 5. Any criminal violation under this chapter.642 Section 5. Subsections (1) and (4) of section 720.3035,
643 Florida Statutes, are amended to read:644 720.3035 Architectural control covenants; parcel owner
645 improvements; rights and privileges.—

646 (1) The authority of an association or any architectural,
647 construction improvement, or other such similar committee of an
648 association to review and approve plans and specifications for
649 the location, size, type, or appearance of any structure or
650 other improvement on a parcel, or to enforce standards for the
651 external appearance of any structure or improvement located on a
652 parcel, ~~is shall be~~ permitted only to the extent that the
653 authority is specifically stated or reasonably inferred as to
654 such location, size, type, or appearance in the declaration of
655 covenants or other published guidelines and standards authorized
656 by the declaration of covenants. An association or any
657 architectural, construction improvement, or similar committee of
658 an association must reasonably and equitably apply and enforce
659 on all parcel owners the architectural and construction
660 improvement standards authorized by the declaration of covenants
661 or other published guidelines and standards authorized by the
662 declaration of covenants.

663 (4) Each parcel owner ~~is shall be~~ entitled to the rights
664 and privileges set forth in the declaration of covenants or
665 other published guidelines and standards authorized by the
666 declaration of covenants concerning the architectural use of the
667 parcel, and the construction of permitted structures and

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668 improvements on the parcel and such rights and privileges may
669 ~~shall~~ not be unreasonably infringed upon or impaired by the
670 association or any architectural, construction improvement, or
671 other such similar committee of the association. If the
672 association or any architectural, construction improvement, or
673 other such similar committee of the association denies a parcel
674 owner's request or application for the construction of a
675 structure or other improvement on a parcel, the association or
676 committee must provide written notice to the parcel owner
677 stating with specificity the rule or covenant on which the
678 association or committee relied when denying the request or
679 application and the specific aspect or part of the proposed
680 improvement that does not conform to such rule or covenant. If
681 the association or any architectural, construction improvement,
682 or other such similar committee of the association should
683 unreasonably, knowingly, and willfully infringe upon or impair
684 the rights and privileges set forth in the declaration of
685 covenants or other published guidelines and standards authorized
686 by the declaration of covenants, the adversely affected parcel
687 owner is ~~shall be~~ entitled to recover damages caused by such
688 infringement or impairment, including any costs and reasonable
689 attorney ~~attorney's~~ fees incurred in preserving or restoring the
690 rights and privileges of the parcel owner set forth in the
691 declaration of covenants or other published guidelines and
692 standards authorized by the declaration of covenants.

693 Section 6. Section 720.3065, Florida Statutes, is amended
694 to read:

695 720.3065 Fraudulent voting activities relating to
696 association elections; penalties.-

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

701 (a) ~~(1)~~ Willfully and falsely swearing to or affirming an
702 oath or affirmation, or willfully procuring another person to
703 falsely swear to or affirm an oath or affirmation, in connection
704 with or arising out of voting activities.

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

708 (c) ~~(3)~~ Preventing a member from voting or preventing a
709 member from voting as he or she intended by fraudulently
710 changing or attempting to change a ballot, ballot envelope,
711 vote, or voting certificate of the member.

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

715 (e) ~~(5)~~ Giving or promising, directly or indirectly,
716 anything of value to another member with the intent to buy the
717 vote of that member or another member or to corruptly influence
718 that member or another member in casting his or her vote. This
719 subsection does not apply to any food served which is to be
720 consumed at an election rally or a meeting or to any item of
721 nominal value which is used as an election advertisement,
722 including a campaign message designed to be worn by a member.

723 (f) ~~(6)~~ Using or threatening to use, directly or indirectly,
724 force, violence, or intimidation or any tactic of coercion or
725 intimidation to induce or compel a member to vote or refrain

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726 from voting in an election or on a particular ballot measure.

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

730 (a) Knowingly aiding, abetting, or advising a person in the
731 commission of a fraudulent voting activity related to
732 association elections.

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

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

740
741 This subsection does not apply to a licensed attorney giving
742 legal advice to a client.

743 Section 7. Paragraph (c) of subsection (3) of section
744 720.3085, Florida Statutes, is amended to read:

745 720.3085 Payment for assessments; lien claims.—

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

752 (c)1. If an association sends out an invoice for
753 assessments or a parcel's statement of the account described in
754 s. 720.303(4)(a)10.b. ~~s. 720.303(4)(j)2.~~, the invoice for

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755 assessments or the parcel's statement of account must be
756 delivered to the parcel owner by first-class United States mail
757 or by electronic transmission to the parcel owner's e-mail
758 address maintained in the association's official records.

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

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

778 Section 8. Section 720.317, Florida Statutes, is amended to
779 read:

780 720.317 Electronic voting.—The association may conduct
781 elections and other membership votes through an Internet-based
782 online voting system if a member consents, electronically or in
783 writing, to online voting and if the following requirements are

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784 met:

785 (1) The association provides each member with:

786 (a) A method to authenticate the member's identity to the
787 online voting system.

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

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

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

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

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

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

799 (d) Able to permanently separate any authentication or
800 identifying information from the electronic election ballot,
801 rendering it impossible to tie an election ballot to a specific
802 member. This paragraph only applies if the association's bylaws
803 provide for secret ballots for the election of directors.

804 (e) Able to store and keep electronic ballots accessible to
805 election officials for recount, inspection, and review purposes.

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

809 (4) This section applies to an association that provides
810 for and authorizes an online voting system pursuant to this
811 section by a board resolution. The board resolution must provide
812 that members receive notice of the opportunity to vote through

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813 an online voting system, must establish reasonable procedures
814 and deadlines for members to consent, electronically or in
815 writing, to online voting, and must establish reasonable
816 procedures and deadlines for members to opt out of online voting
817 after giving consent. Written notice of a meeting at which the
818 board resolution regarding online voting will be considered must
819 be mailed, delivered, or electronically transmitted to the unit
820 owners and posted conspicuously on the condominium property or
821 association property at least 14 days before the meeting.

822 Evidence of compliance with the 14-day notice requirement must
823 be made by an affidavit executed by the person providing the
824 notice and filed with the official records of the association.

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

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

831 Section 9. This act shall take effect July 1, 2024.