

Amendment No. a2

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	—	(Y/N)
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	—	

---

1 Committee/Subcommittee hearing bill: Business & Professions  
2 Subcommittee  
3 Representative Trujillo offered the following:

4  
5 **Amendment to Amendment (250827) by Representative Bracy**  
6 **(with title amendment)**

7 Remove lines 247-251 of the amendment and insert:

8 Section 3. Subsections (4) and (7) of section 720.303,  
9 Florida Statutes, are amended to read:

10 720.303 Association powers and duties; meetings of board;  
11 official records; budgets; financial reporting; association  
12 funds; recalls.—

13 (4) OFFICIAL RECORDS.—The association shall maintain each  
14 of the following items, when applicable, which constitute the  
15 official records of the association:

16 (a) Copies of any plans, specifications, permits, and  
17 warranties related to improvements constructed on the common

Amendment No. a2

18 areas or other property that the association is obligated to  
19 maintain, repair, or replace, and other items provided by the  
20 developer pursuant to s. 720.307(4).

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

23 (c) A certified copy of the articles of incorporation of  
24 the association and of each amendment thereto.

25 (d) A copy of the declaration of covenants and a copy of  
26 each amendment thereto.

27 (e) A copy of the current rules of the homeowners'  
28 association.

29 (f) The minutes of all meetings of the board of directors  
30 and of the members, which minutes must be retained for at least  
31 7 years.

32 (g) A current roster of all members and their mailing  
33 addresses and parcel identifications. The association shall also  
34 maintain the electronic mailing addresses and the numbers  
35 designated by members for receiving notice sent by electronic  
36 transmission of those members consenting to receive notice by  
37 electronic transmission. The electronic mailing addresses and  
38 numbers provided by members ~~unit owners~~ to receive notice by  
39 electronic transmission shall be removed from association  
40 records when consent to receive notice by electronic  
41 transmission is revoked. However, the association is not liable  
42 for an erroneous disclosure of the electronic mail address or  
43 the number for receiving electronic transmission of notices.

Amendment No. a2

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

46 (i) A current copy of all contracts to which the  
47 association is a party, including, without limitation, any  
48 management agreement, lease, or other contract under which the  
49 association has any obligation or responsibility. Bids received  
50 by the association for materials, equipment, or services, work  
51 ~~to be performed~~ must also be considered official records and  
52 must be maintained ~~kept~~ for a period of 1 year.

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

58 1. Accurate, itemized, and detailed records of all  
59 receipts and expenditures.

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

66 3. All tax returns, audits, reviews, financial statements,  
67 and financial reports of the association.

68 4. Any other records that identify, measure, record, or  
69 communicate financial information.

Amendment No. a2

70 (k) A copy of the disclosure summary described in s.  
71 720.401(1).

72 (l) Ballots, sign-in sheets, voting proxies, and all other  
73 papers relating to voting by members, which must be maintained  
74 for 1 year after the date of the election, vote, or meeting to  
75 which the document relates.

76 (m)-(l) All other written records of the association not  
77 specifically included in the foregoing which are related to the  
78 operation of the association.

79 (6) ACCESS TO ASSOCIATION DOCUMENTS AND RECORDS ON AN  
80 ASSOCIATION WEBSITE.—

81 (a) In addition to any other provision of general law,  
82 associations with 7,500 or more parcels must provide a digital  
83 copy of specified documents on the association's website. An  
84 association with fewer than 7,500 parcels located within the  
85 physical boundaries of an affiliated association that has more  
86 than 7,500 or more parcels must provide digital copies of  
87 specified documents on the larger affiliated association's  
88 website. An association with fewer than 7,500 parcels located  
89 within the physical boundaries of an association with more than  
90 7,500 or more parcels, but that is not affiliated with the  
91 larger association, may provide digital copies of certain  
92 documents on its website if the association chooses to do so.

93 1. An association's website must be:

94 a. An independent website or web portal, wholly owned and  
95 operated by the association; or

Amendment No. a2

96 b. A website or web portal that is operated by a third-  
97 party provider with whom the association owns, leases, rents, or  
98 otherwise obtains the right to operate a web page, subpage, web  
99 portal, or collection of subpages or web portals dedicated to  
100 the association's activities and where required notices,  
101 records, and documents may be posted by the association.

102 2. The association's website must be accessible through  
103 the Internet, and must contain a subpage, web portal, or other  
104 protected electronic location that is accessible only to the  
105 unit owners and employees of the association.

106 3. The association must provide access to each member to  
107 the protected sections of the association's website that contain  
108 any notices, records, or documents that must be electronically  
109 provided.

110 (b) The following documents must be placed in digital  
111 format on the website:

112 1. Copies of the official records in subsection (4). The  
113 current roster of all members with their mailing addresses and  
114 parcel identifications may not be placed in digital format on  
115 the website. The website must include the following statement:  
116 "A current roster of all members and their mailing addresses and  
117 parcel identifications is available at the request of any  
118 association member." The notice shall include the e-mail address  
119 of the person to contact for a copy of the roster.

120 2. The annual budget required by subsection (7) and any  
121 proposed budget to be considered at the annual meeting.

Amendment No. a2

122 3. The financial report required by subsection (8) and any  
123 proposed financial report to be considered at a meeting.

124 4. Any document created by the association or a board  
125 member relating to the recall of a director, pursuant to  
126 subsection (11), or any document created for or filed by the  
127 association in an arbitration proceeding conducted by the  
128 division regarding the recall of a director.

129 5. A copy of the information submitted to the division to  
130 comply with the reporting requirement in subsection (14).

131 6. Documentation reporting the compensation of directors,  
132 officers, or members authorized under subsection (13).

133 7. The certification of each director required by s.  
134 720.3033(1).

135 8. A list of all contracts or transactions between the  
136 association and any director, officer, corporation, firm, or  
137 association that is not an affiliated homeowners' association,  
138 or other entity in which an association director is also a  
139 director or officer is financially interested.

140 9. Any fidelity bond entered into by the association.

141 10. A map of the association, including association  
142 boundaries.

143 11. Any contract or document regarding a conflict of  
144 interest or possible conflict of interest as provided in ss.  
145 468.436(2) and 720.3033.

146 12. Notice of any board meeting and the agenda for the  
147 meeting, as required by subsection (2), placed online no later

Amendment No. a2

148 than 14 days before the meeting posted in plain view on the  
149 front page, or on a separate subpage labeled "Notices" which is  
150 conspicuously visible and linked from the front page of the  
151 association's website. The association must post on the  
152 association's website any documents to be considered during the  
153 meeting or listed on the agenda no later than 7 days before the  
154 meeting at which the document or the information within the  
155 document will be considered, including the following documents:  
156 a. The proposed annual budget required by subsection (7);  
157 b. The proposed financial report required by subsection  
158 (8).  
159 c. A list of persons seeking to be elected to the board.  
160 d. A copy of contracts or transactions listed in  
161 subparagraph 8.  
162 e. Any competitive bids for materials, equipment, or  
163 services.  
164 f. Any proposed contracts or proposed transactional  
165 documents related to any possible conflict of interest set forth  
166 in ss. 468.436(2) and 720.3033.  
167 (c) The association shall ensure that the information and  
168 records described in subparagraph (5)(c), which are not  
169 permitted to be accessible to members or parcel owners, are not  
170 placed on the association's website. If protected information,  
171 or information restricted from being accessible to members or  
172 parcel owners, is included in documents that are required to be  
173 placed on the association's website, the association shall

Amendment No. a2

174 ensure the information is redacted before placing the documents  
175 online.

176  
177 -----

178 **T I T L E A M E N D M E N T**

179 Remove lines 352-360 of the amendment and insert:

180 An act relating to community associations; amending ss. 718.111  
181 and 719.104, F.S.; requiring certain condominium associations  
182 and cooperative associations to provide financial reports to the  
183 Division of Florida Condominiums, Timeshares, and Mobile Homes  
184 under certain circumstances; deleting a provision authorizing  
185 certain associations to prepare a report of cash receipts and  
186 expenditures in lieu of certain financial statements; amending  
187 s. 720.303, F.S., requiring certain condominium associations to  
188 provide financial reports to the Division of Florida  
189 Condominiums, Timeshares, and Mobile Homes under certain  
190 circumstances; deleting a provision authorizing certain  
191 associations to prepare a report of cash receipts and  
192 expenditures in lieu of certain financial statements; revising  
193 records required to be maintained by a homeowners' association;  
194 providing requirements relating to the provision of specified  
195 documents on an association's website; revising reporting  
196 requirements; deleting a provision relating the future  
197 expiration of the reporting requirements; providing an effective  
198 date.