

THE FLORIDA SENATE
2023 SUMMARY OF LEGISLATION PASSED
Committee on Regulated Industries

CS/CS/HB 919 — Homeowners' Associations

by Commerce Committee; Regulatory Reform and Economic Development Subcommittee; and Reps. Porras, Fernandez-Barquin, and others (CS/CS/SB 1114 by Fiscal Policy Committee; Regulated Industries Committee; and Senator Rodriguez)

The bill may be cited as “Homeowners’ Association Bill of Rights.” It revises the requirements for the governance and regulation of homeowners’ associations to:

- Require all notices for homeowners’ association board meetings to specifically identify the agenda items for the meetings;
- Revise the requirements for the association’s use of a member’s e-mail to send notices, including allowing a member to designate an address different than the property address for all required notices;
- Require that, if a homeowners’ association collects a deposit from a member for any reason, including to pay for expenses that may be incurred as a result of construction on a member’s parcel or other reason for such deposit, such funds must not be comingled with any other association funds, the member may request an accounting of such funds, and the association must remit payment of unused funds within 30 days after completion;
- Provide that an officer, director, or manager who accepts kickbacks is subject to monetary damages under s. 617.0834, F.S., relating to the conditions imposing civil liability on the officers and directors of corporations and associations not for profit;
- Provide that an officer or director must be removed from office, and their access to official records denied, if charged with the crimes of forgery of a ballot envelope or voting certificate used in a homeowners’ association election, theft or embezzlement of association funds, destruction of or refusing to allow inspection of association records, if such records are accessible by association members, in furtherance of any crime; or obstruction of justice;
- Require directors and officers of an association, including a developer-controlled association, to disclose specified activities which may pose a conflict of interest;
- Clarify that a developer’s appointment of an officer or director does not create a presumption that the officer or director has a conflict of interest with regard to the performance of his or her official duties;
- Revise the notice requirements for imposing and collecting fines, including providing members notice of how to cure a violation, if applicable; and
- Provide criminal prohibitions related to fraudulent voting activities that are punishable as first degree misdemeanors, including preventing members from voting, and menacing, threatening, or using bribery to directly or indirectly influence or deter a member from voting.

If approved by the Governor, or allowed to become law without the Governor’s signature, these provisions take effect October 1, 2023.

Vote: Senate 39-0; House 113-0