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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/26/2023	.	
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The Committee on Fiscal Policy (Rodriguez) recommended the following:

Senate Amendment (with title amendment)

Delete lines 42 - 188

and insert:

Section 2. Paragraph (g) of subsection (4) of section 720.303, Florida Statutes, is amended, and paragraph (d) is added to subsection (8) of that section, to read:

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



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

14 (g) A current roster of all members and their designated
15 mailing addresses and parcel identifications. A member's
16 designated mailing address is the member's property address,
17 unless the member has sent written notice to the association
18 requesting that a different mailing address be used for all
19 required notices. The association shall also maintain the e-mail
20 electronic mailing addresses and the facsimile numbers
21 designated by members for receiving notice sent by electronic
22 transmission of those members consenting to receive notice by
23 electronic transmission. A member's e-mail address is the e-mail
24 address the member provided when consenting in writing to
25 receiving notice by electronic transmission, unless the member
26 has sent written notice to the association requesting that a
27 different e-mail address be used for all required notices. The
28 e-mail electronic mailing addresses and facsimile numbers
29 provided by members ~~unit owners~~ to receive notice by electronic
30 transmission must ~~shall~~ be removed from association records when
31 the member revokes consent to receive notice by electronic
32 transmission ~~is revoked~~. However, the association is not liable
33 for an erroneous disclosure of the e-mail electronic mail
34 address or the facsimile number for receiving electronic
35 transmission of notices.

36 (8) ASSOCIATION FUNDS; COMMINGLING.—

37 (d) If an association collects a deposit from a member for
38 any reason, including to pay for expenses that may be incurred
39 as a result of construction on a member's parcel, such funds



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40 must be maintained separately and may not be comingled with any
41 other association funds. Upon completion of the member's
42 construction project, or other reason for which the deposit was
43 collected, the member may request an accounting from the
44 association of his or her funds that were deposited, and the
45 association must provide such accounting to the member within 7
46 days after receiving the member's request. An association must
47 remit payment of any unused funds to the member within 30 days
48 after receiving notice that the member's construction project,
49 or other reason for which the deposit was collected, is
50 complete.

51 Section 3. Subsections (3) and (4) of section 720.3033,
52 Florida Statutes, are amended, and subsection (6) is added to
53 that section, to read:

54 720.3033 Officers and directors.—

55 (3) An officer, a director, or a manager may not solicit,
56 offer to accept, or accept any thing ~~good~~ or service of value
57 for which consideration has not been provided for his or her
58 benefit or for the benefit of a member of his or her immediate
59 family from any person providing or proposing to provide goods
60 or services to the association. An officer, a director, or a
61 manager who knowingly solicits, offers to accept, or accepts any
62 thing or service of value or kickback for which consideration
63 has not been provided for his or her own benefit or that of his
64 or her immediate family, from any person providing or proposing
65 to provide goods or services to the association, is subject to
66 monetary damages under s. 617.0834. If the board finds that an
67 officer or a director has violated this subsection, the board
68 shall immediately remove the officer or director from office.



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69 The vacancy shall be filled according to law until the end of
70 the officer's or director's term of office. However, an officer,
71 a director, or a manager may accept food to be consumed at a
72 business meeting with a value of less than \$25 per individual or
73 a service or good received in connection with trade fairs or
74 education programs.

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

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

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

82 3. Destruction of or the refusal to allow inspection or
83 copying of an official record of a homeowners' association which
84 is accessible to parcel owners within the time periods required
85 by general law, in furtherance of any crime. Such act
86 constitutes tampering with physical evidence as provided in s.
87 918.13.

88 4. Obstruction of justice under chapter 843.

89 ~~(b) a felony theft or embezzlement offense involving the~~
90 ~~association's funds or property is removed from office.~~ The
91 board shall fill the vacancy as provided in s. 720.306(9)
92 ~~according to general law~~ until the end of the period of the
93 suspension or the end of the director's term of office,
94 whichever occurs first. If such criminal charge is pending
95 against the officer or director, he or she may not be appointed
96 or elected to a position as an officer or a director of any
97 association and may not have access to the official records of



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98 any association, except pursuant to a court order. However, if
99 the charges are resolved without a finding of guilt or without
100 acceptance of a plea of guilty or nolo contendere, the director
101 or officer shall be reinstated for any remainder of his or her
102 term of office. ~~A member who has such criminal charges pending~~
103 ~~may not be appointed or elected to a position as a director or~~
104 ~~officer.~~

105 (6) (a) Directors and officers of an association who are
106 appointed by the developer must disclose to the association
107 their relationship to the developer each calendar year in which
108 they serve as a director or an officer. Directors and officers
109 appointed by the developer must disclose any other activity that
110 may reasonably be construed to be a conflict of interest
111 pursuant to paragraph (b). A developer's appointment of an
112 officer or director does not create a presumption that the
113 officer or director has a conflict of interest with regard to
114 the performance of his or her official duties.

115
116 ===== T I T L E A M E N D M E N T =====

117 And the title is amended as follows:

118 Delete lines 4 - 21

119 and insert:

120 an association to maintain designated addresses as
121 official records; specifying what constitutes a
122 designated address; conforming provisions to changes
123 made by the act; prohibiting certain funds from being
124 comingled with other association funds; authorizing a
125 member to request an accounting from an association
126 under certain circumstances; requiring an association



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127 to provide such accounting and remit unused funds to
128 the member within specified timeframes; amending s.
129 720.3033, F.S.; providing civil penalties for certain
130 actions by officers, directors, or managers of an
131 association; revising the circumstances under which a
132 director or an officer must be removed from office
133 after being charged by information or indictment;
134 prohibiting such officers and directors with pending
135 criminal charges from accessing the official records
136 of any association; providing an exception; specifying
137 that the appointment of officers or directors by a
138 developer does not create a presumption of a conflict
139 of interest for such officers or directors; requiring
140 directors and