



174480

LEGISLATIVE ACTION

Senate

.

House

.

.

Floor: WD

.

03/06/2024 09:27 AM

.

.

---

Senator Bradley moved the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

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

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

(1) (a) A community association manager or a community  
association management firm is deemed to act as agent on behalf



174480

12 of a community association as principal within the scope of  
13 authority authorized by a written contract or under this  
14 chapter. A community association manager and a community  
15 association management firm shall discharge duties performed on  
16 behalf of the association as authorized by this chapter loyally,  
17 skillfully, and diligently; dealing honestly and fairly; in good  
18 faith; with care and full disclosure to the community  
19 association; accounting for all funds; and not charging  
20 unreasonable or excessive fees.

21 (b) If a community association manager or a community  
22 association management firm has a contract with a community  
23 association that is subject to s. 553.899, the community  
24 association manager or the community association management firm  
25 must comply with that section as directed by the board.

26 (2) (a) A contract between a community association and a  
27 community association manager or a contract between a community  
28 association and a community association management firm may  
29 provide that the community association indemnifies and holds  
30 harmless the community association manager and the community  
31 association management firm for ordinary negligence resulting  
32 from the manager or management firm's act or omission that is  
33 the result of an instruction or direction of the community  
34 association. This paragraph does not preclude any other  
35 negotiated indemnity or hold harmless provision.

36 (b) Indemnification under paragraph (a) may not cover any  
37 act or omission that violates a criminal law; derives an  
38 improper personal benefit, either directly or indirectly; is  
39 grossly negligent; or is reckless, is in bad faith, is with  
40 malicious purpose, or is in a manner exhibiting wanton and



174480

41 willful disregard of human rights, safety, or property.

42 (3) A community association manager or a community  
43 association management firm that is authorized by contract to  
44 provide community association management services to a  
45 homeowners' association shall do all of the following:

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

48 (b) Provide to the members of the homeowners' association  
49 the name of and contact information for each community  
50 association manager or representative of the community  
51 association management firm assigned to the homeowners'  
52 association, the manager's or representative's hours of  
53 availability, and a summary of the duties for which the manager  
54 or representative is responsible. The homeowners' association  
55 shall also post this information on the association's website or  
56 the application required under s. 720.303(4)(b). The community  
57 association manager or community association management firm  
58 shall notify the homeowners' association and its members within  
59 14 business days after any change to such information.

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

64 Section 2. Section 468.4337, Florida Statutes, is amended  
65 to read:

66 468.4337 Continuing education.—The department may not renew  
67 a license until the licensee submits proof that the licensee has  
68 completed the requisite hours of continuing education. ~~No more~~  
69 ~~than 10 hours of continuing education annually shall be required~~



174480

70 ~~for renewal of a license.~~ The number of continuing education  
71 hours, criteria, and course content must shall be approved by  
72 the council by rule. The council may not require more than 10  
73 hours of continuing education annually for renewal of a license.  
74 A community association manager who provides community  
75 association management services to a homeowners' association  
76 must biennially complete at least 5 hours of continuing  
77 education that pertains specifically to homeowners'  
78 associations, 3 hours of which must relate to recordkeeping.

79 Section 3. Subsections (4) and (5), paragraph (f) of  
80 subsection (6), and paragraphs (a) and (d) of subsection (7) of  
81 section 720.303, Florida Statutes, are amended, and subsection  
82 (13) is added to that section, to read:

83 720.303 Association powers and duties; meetings of board;  
84 official records; budgets; financial reporting; association  
85 funds; recalls.—

86 (4) OFFICIAL RECORDS.—

87 (a) The association shall maintain each of the following  
88 items, when applicable, for at least 7 years, unless the  
89 governing documents of the association require a longer period  
90 of time, which constitute the official records of the  
91 association:

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

96 2.(b) A copy of the bylaws of the association and of each  
97 amendment to the bylaws.

98 3.(c) A copy of the articles of incorporation of the



174480

99 association and of each amendment thereto.

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

102 ~~5.(e)~~ A copy of the current rules of the homeowners'  
103 association.

104 ~~6.(f)~~ The minutes of all meetings of the board of directors  
105 and of the members, ~~which minutes must be retained for at least~~  
106 ~~7 years.~~

107 ~~7.(g)~~ A current roster of all members and their designated  
108 mailing addresses and parcel identifications. A member's  
109 designated mailing address is the member's property address,  
110 unless the member has sent written notice to the association  
111 requesting that a different mailing address be used for all  
112 required notices. The association shall also maintain the e-mail  
113 addresses and the facsimile numbers designated by members for  
114 receiving notice sent by electronic transmission of those  
115 members consenting to receive notice by electronic transmission.  
116 A member's e-mail address is the e-mail address the member  
117 provided when consenting in writing to receiving notice by  
118 electronic transmission, unless the member has sent written  
119 notice to the association requesting that a different e-mail  
120 address be used for all required notices. The e-mail addresses  
121 and facsimile numbers provided by members to receive notice by  
122 electronic transmission must be removed from association records  
123 when the member revokes consent to receive notice by electronic  
124 transmission. However, the association is not liable for an  
125 erroneous disclosure of the e-mail address or the facsimile  
126 number for receiving electronic transmission of notices.

127 ~~8.(h)~~ All of the association's insurance policies or a copy



174480

128 thereof, ~~which policies must be retained for at least 7 years.~~

129 9.~~(i)~~ A current copy of all contracts to which the  
130 association is a party, including, without limitation, any  
131 management agreement, lease, or other contract under which the  
132 association has any obligation or responsibility. Bids received  
133 by the association for work to be performed are ~~must also be~~  
134 considered official records and must be kept for a period of 1  
135 year.

136 10.~~(j)~~ The financial and accounting records of the  
137 association, kept according to good accounting practices. ~~All~~  
138 ~~financial and accounting records must be maintained for a period~~  
139 ~~of at least 7 years.~~ The financial and accounting records must  
140 include:

141 a.1. Accurate, itemized, and detailed records of all  
142 receipts and expenditures.

143 b.2. A current account and a periodic statement of the  
144 account for each member, designating the name and current  
145 address of each member who is obligated to pay assessments, the  
146 due date and amount of each assessment or other charge against  
147 the member, the date and amount of each payment on the account,  
148 and the balance due.

149 c.3. All tax returns, financial statements, and financial  
150 reports of the association.

151 d.4. Any other records that identify, measure, record, or  
152 communicate financial information.

153 11.~~(k)~~ A copy of the disclosure summary described in s.  
154 720.401(1).

155 12.~~(l)~~ Ballots, sign-in sheets, voting proxies, and all  
156 other papers and electronic records relating to voting by parcel



174480

157 owners, which must be maintained for at least 1 year after the  
158 date of the election, vote, or meeting.

159 13.~~(m)~~ All affirmative acknowledgments made pursuant to s.  
160 720.3085(3)(c)3.

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

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

169 2. The association's website or application must be  
170 accessible through the Internet and must contain a subpage, web  
171 portal, or other protected electronic location that is  
172 inaccessible to the general public and accessible only to parcel  
173 owners and employees of the association.

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

176 a. The articles of incorporation of the association and  
177 each amendment thereto.

178 b. The recorded bylaws of the association and each  
179 amendment thereto.

180 c. The declaration of covenants and a copy of each  
181 amendment thereto.

182 d. The current rules of the association.

183 e. A list of all current executory contracts or documents  
184 to which the association is a party or under which the  
185 association or the unit owners have an obligation or



186 responsibility and, after bidding for the related materials,  
187 equipment, or services has closed, a list of bids received by  
188 the association within the past year.

189 f. The annual budget required by subsection (6) and any  
190 proposed budget to be considered at the annual meeting.

191 g. The financial report required by subsection (7) and any  
192 monthly income or expense statement to be considered at a  
193 meeting.

194 h. The association's current insurance policies.

195 i. The certification of each director required by s.  
196 720.3033(1) (a).

197 j. All contracts or transactions between the association  
198 and any director, officer, corporation, firm, or association  
199 that is not an affiliated homeowners' association or any other  
200 entity in which an association director is also a director or  
201 officer and financially interested.

202 k. Any contract or document regarding a conflict of  
203 interest or possible conflict of interest as provided in ss.  
204 468.436(2) (b) 6. and 720.3033(2).

205 l. Notice of any meeting of members and the agenda for the  
206 meeting, as required by s. 720.306, no later than 14 days before  
207 the meeting. The notice must be posted in plain view on the  
208 homepage of the website or application, or on a separate subpage  
209 of the website or application labeled "Notices" which is  
210 conspicuously visible and linked from the homepage. The  
211 association must also post on its website or application any  
212 document to be considered and voted on by the owners during the  
213 meeting or any document listed on the agenda at least 7 days  
214 before the meeting at which the document or the information





174480

215 within the document will be considered.

216 m. Notice of any board meeting, the agenda, and any other  
217 document required for the meeting as required by subsection (3),  
218 which must be posted no later than the date required for notice  
219 under subsection (3).

220 4. Upon written request by a parcel owner, the association  
221 must provide the parcel owner with a username and password and  
222 access to the protected sections of the association's website or  
223 application which contains the official documents of the  
224 association.

225 5. The association shall ensure that the information and  
226 records described in paragraph (5) (d) which are not allowed to  
227 be accessible to parcel owners are not posted on the  
228 association's website or application. If protected information  
229 or information restricted from being accessible to parcel owners  
230 is included in documents that are required to be posted on the  
231 association's website or application, the association must  
232 ensure the information is redacted before posting the documents.  
233 Notwithstanding the foregoing, the association or its authorized  
234 agent is not liable for disclosing information that is protected  
235 or restricted under paragraph (5) (d) unless such disclosure was  
236 made with a knowing or intentional disregard of the protected or  
237 restricted nature of such information.

238 (c) The association shall adopt written rules governing the  
239 method or policy by which the official records of the  
240 association are to be retained and for how long such records  
241 must be retained pursuant to paragraph (a). Such information  
242 must be made available to the parcel owners through the  
243 association's website or application.



174480

244 (5) INSPECTION AND COPYING OF RECORDS.—

245 (a) Unless otherwise provided by law or the governing  
246 documents of the association, the official records shall be  
247 maintained within the state for at least 7 years and must ~~shall~~  
248 be made available to a parcel owner for inspection or  
249 photocopying within 45 miles of the community or within the  
250 county in which the association is located within 10 business  
251 days after receipt by the board or its designee of a written  
252 request. This subsection may be complied with by having a copy  
253 of the official records available for inspection or copying in  
254 the community or, at the option of the association, by making  
255 the records available to a parcel owner electronically via the  
256 Internet or by allowing the records to be viewed in electronic  
257 format on a computer screen and printed upon request. If the  
258 association has a photocopy machine available where the records  
259 are maintained, it must provide parcel owners with copies on  
260 request during the inspection if the entire request is limited  
261 to no more than 25 pages. An association shall allow a member or  
262 his or her authorized representative to use a portable device,  
263 including a smartphone, tablet, portable scanner, or any other  
264 technology capable of scanning or taking photographs, to make an  
265 electronic copy of the official records in lieu of the  
266 association's providing the member or his or her authorized  
267 representative with a copy of such records. The association may  
268 not charge a fee to a member or his or her authorized  
269 representative for the use of a portable device.

270 (b) ~~(a)~~ The failure of an association to provide access to  
271 the records within 10 business days after receipt of a written  
272 request submitted by certified mail, return receipt requested,



174480

273 creates a rebuttable presumption that the association willfully  
274 failed to comply with this subsection.

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

281 (d) Any director or member of the board or association or a  
282 community association manager who knowingly, willfully, and  
283 repeatedly violates paragraph (a), with the intent of causing  
284 harm to the association or one or more of its members, commits a  
285 misdemeanor of the second degree, punishable as provided in s.  
286 775.082 or s. 775.083. For purposes of this paragraph, the term  
287 "repeatedly" means two or more violations within a 12-month  
288 period.

289 (e) Any person who knowingly and intentionally defaces or  
290 destroys accounting records during the period in which such  
291 records are required to be maintained, or who knowingly or  
292 intentionally fails to create or maintain accounting records  
293 that are required to be created or maintained, with the intent  
294 of causing harm to the association or one or more of its  
295 members, commits a misdemeanor of the first degree, punishable  
296 as provided in s. 775.082 or s. 775.083.

297 (f) Any person who willfully and knowingly refuses to  
298 release or otherwise produce association records with the intent  
299 to avoid or escape detection, arrest, trial, or punishment for  
300 the commission of a crime, or to assist another person with such  
301 avoidance or escape, commits a felony of the third degree,



174480

302 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

303       ~~(g)~~ (g) The association may adopt reasonable written rules  
304 governing the frequency, time, location, notice, records to be  
305 inspected, and manner of inspections, but may not require a  
306 parcel owner to demonstrate any proper purpose for the  
307 inspection, state any reason for the inspection, or limit a  
308 parcel owner's right to inspect records to less than one 8-hour  
309 business day per month. The association may impose fees to cover  
310 the costs of providing copies of the official records, including  
311 the costs of copying and the costs required for personnel to  
312 retrieve and copy the records if the time spent retrieving and  
313 copying the records exceeds one-half hour and if the personnel  
314 costs do not exceed \$20 per hour. Personnel costs may not be  
315 charged for records requests that result in the copying of 25 or  
316 fewer pages. The association may charge up to 25 cents per page  
317 for copies made on the association's photocopier. If the  
318 association does not have a photocopy machine available where  
319 the records are kept, or if the records requested to be copied  
320 exceed 25 pages in length, the association may have copies made  
321 by an outside duplicating service and may charge the actual cost  
322 of copying, as supported by the vendor invoice. The association  
323 shall maintain an adequate number of copies of the recorded  
324 governing documents, to ensure their availability to members and  
325 prospective members. Notwithstanding this paragraph, the  
326 following records are not accessible to members or parcel  
327 owners:

328       1. Any record protected by the lawyer-client privilege as  
329 described in s. 90.502 and any record protected by the work-  
330 product privilege, including, but not limited to, a record



174480

331 prepared by an association attorney or prepared at the  
332 attorney's express direction which reflects a mental impression,  
333 conclusion, litigation strategy, or legal theory of the attorney  
334 or the association and which was prepared exclusively for civil  
335 or criminal litigation or for adversarial administrative  
336 proceedings or which was prepared in anticipation of such  
337 litigation or proceedings until the conclusion of the litigation  
338 or proceedings.

339 2. Information obtained by an association in connection  
340 with the approval of the lease, sale, or other transfer of a  
341 parcel.

342 3. Information an association obtains in a gated community  
343 in connection with guests' visits to parcel owners or community  
344 residents.

345 4. Personnel records of association or management company  
346 employees, including, but not limited to, disciplinary, payroll,  
347 health, and insurance records. For purposes of this  
348 subparagraph, the term "personnel records" does not include  
349 written employment agreements with an association or management  
350 company employee or budgetary or financial records that indicate  
351 the compensation paid to an association or management company  
352 employee.

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

354 6. Social security numbers, driver license numbers, credit  
355 card numbers, electronic mailing addresses, telephone numbers,  
356 facsimile numbers, emergency contact information, any addresses  
357 for a parcel owner other than as provided for association notice  
358 requirements, and other personal identifying information of any  
359 person, excluding the person's name, parcel designation, mailing



360 address, and property address. Notwithstanding the restrictions  
361 in this subparagraph, an association may print and distribute to  
362 parcel owners a directory containing the name, parcel address,  
363 and all telephone numbers of each parcel owner. However, an  
364 owner may exclude his or her telephone numbers from the  
365 directory by so requesting in writing to the association. An  
366 owner may consent in writing to the disclosure of other contact  
367 information described in this subparagraph. The association is  
368 not liable for the disclosure of information that is protected  
369 under this subparagraph if the information is included in an  
370 official record of the association and is voluntarily provided  
371 by an owner and not requested by the association.

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

374 8. The software and operating system used by the  
375 association which allows the manipulation of data, even if the  
376 owner owns a copy of the same software used by the association.  
377 The data is part of the official records of the association.

378 9. All affirmative acknowledgments made pursuant to s.  
379 720.3085(3)(c)3.

380 (h)~~(d)~~ The association or its authorized agent is not  
381 required to provide a prospective purchaser or lienholder with  
382 information about the residential subdivision or the association  
383 other than information or documents required by this chapter to  
384 be made available or disclosed. The association or its  
385 authorized agent may charge a reasonable fee to the prospective  
386 purchaser or lienholder or the current parcel owner or member  
387 for providing good faith responses to requests for information  
388 by or on behalf of a prospective purchaser or lienholder, other



174480

389 than that required by law, if the fee does not exceed \$150 plus  
390 the reasonable cost of photocopying and any attorney fees  
391 incurred by the association in connection with the response.

392 (i) If an association receives a subpoena for records from  
393 a law enforcement agency, the association must provide a copy of  
394 such records or otherwise make the records available for  
395 inspection and copying to a law enforcement agency within 5  
396 business days after receipt of the subpoena, unless otherwise  
397 specified by the law enforcement agency or subpoena. An  
398 association must assist a law enforcement agency in its  
399 investigation to the extent permissible by law.

400 (6) BUDGETS.—

401 (f) After one or more reserve accounts are established, the  
402 membership of the association, upon a majority vote at a meeting  
403 at which a quorum is present, may provide for no reserves or  
404 less reserves than required by this section. If a meeting of the  
405 parcel unit owners has been called to determine whether to waive  
406 or reduce the funding of reserves and such result is not  
407 achieved or a quorum is not present, the reserves as included in  
408 the budget go into effect. After the turnover, the developer may  
409 vote its voting interest to waive or reduce the funding of  
410 reserves. Any vote taken pursuant to this subsection to waive or  
411 reduce reserves is applicable only to one budget year.

412 (7) FINANCIAL REPORTING.—Within 90 days after the end of  
413 the fiscal year, or annually on the date provided in the bylaws,  
414 the association shall prepare and complete, or contract with a  
415 third party for the preparation and completion of, a financial  
416 report for the preceding fiscal year. Within 21 days after the  
417 final financial report is completed by the association or



174480

418 received from the third party, but not later than 120 days after  
419 the end of the fiscal year or other date as provided in the  
420 bylaws, the association shall, within the time limits set forth  
421 in subsection (5), provide each member with a copy of the annual  
422 financial report or a written notice that a copy of the  
423 financial report is available upon request at no charge to the  
424 member. Financial reports shall be prepared as follows:

425 (a) An association that meets the criteria of this  
426 paragraph shall prepare or cause to be prepared a complete set  
427 of financial statements in accordance with generally accepted  
428 accounting principles as adopted by the Board of Accountancy.  
429 The financial statements shall be based upon the association's  
430 total annual revenues, as follows:

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

434 2. An association with total annual revenues of at least  
435 \$300,000, but less than \$500,000, shall prepare reviewed  
436 financial statements.

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

439 4. An association with 1,000 or more parcels shall prepare  
440 audited financial statements, notwithstanding the association's  
441 total annual revenues.

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

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





174480

447           2. A report of cash receipts and expenditures or a compiled  
448 financial statement in lieu of a reviewed or audited financial  
449 statement; or

450           3. A report of cash receipts and expenditures, a compiled  
451 financial statement, or a reviewed financial statement in lieu  
452 of an audited financial statement.

453

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

456           (13) DEBIT CARDS.—

457           (a) An association and its officers, directors, employees,  
458 and agents may not use a debit card issued in the name of the  
459 association, or billed directly to the association, for the  
460 payment of any association expense.

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

465

466 For the purposes of this subsection, the term "lawful obligation  
467 of the association" means an obligation that has been properly  
468 preapproved by the board and is reflected in the meeting minutes  
469 or the written budget.

470           Section 4. Subsections (1), (3), and (4) of section  
471 720.3033, Florida Statutes, are amended to read:

472           720.3033 Officers and directors.—

473           (1) (a) Within 90 days after being elected or appointed to  
474 the board, each ~~director shall certify in writing to the~~  
475 ~~secretary of the association that he or she has read the~~



174480

476 ~~association's declaration of covenants, articles of~~  
477 ~~incorporation, bylaws, and current written rules and policies;~~  
478 ~~that he or she will work to uphold such documents and policies~~  
479 ~~to the best of his or her ability; and that he or she will~~  
480 ~~faithfully discharge his or her fiduciary responsibility to the~~  
481 ~~association's members. Within 90 days after being elected or~~  
482 ~~appointed to the board, in lieu of such written certification,~~  
483 ~~the newly elected or appointed director must ~~may~~ submit a~~  
484 certificate of having satisfactorily completed the educational  
485 curriculum administered by a department-approved, division-  
486 approved education provider.

487 1. The newly elected or appointed director must complete  
488 the department-approved education for newly elected or appointed  
489 directors within 90 days after being elected or appointed.

490 2. The certificate of completion is valid for a maximum of  
491 4 years.

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

494 4. The department-approved educational curriculum specific  
495 to newly elected or appointed directors must include training  
496 relating to financial literacy and transparency, recordkeeping,  
497 levying of fines, and notice and meeting requirements.

498 5. In addition to the educational curriculum specific to  
499 newly elected or appointed directors:

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

503 b. A director of an association that has 2,500 parcels or  
504 more must complete at least 8 hours of continuing education



174480

505 ~~annually within 1 year before or 90 days after the date of~~  
506 ~~election or appointment.~~

507 (b) ~~The written certification or educational certificate is~~  
508 ~~valid for the uninterrupted tenure of the director on the board.~~  
509 A director who does not timely file the ~~written certification or~~  
510 educational certificate is ~~shall be~~ suspended from the board  
511 until he or she complies with the requirement. The board may  
512 temporarily fill the vacancy during the period of suspension.

513 (c) The association shall retain each director's ~~written~~  
514 ~~certification or~~ educational certificate for inspection by the  
515 members for 5 years after the director's election. However, the  
516 failure to have the written certification or educational  
517 certificate on file does not affect the validity of any board  
518 action.

519 (d) The department shall adopt rules to implement and  
520 administer the educational curriculum and continuing education  
521 requirements under this subsection.

522 (3) An officer, a director, or a manager may not solicit,  
523 offer to accept, or accept a kickback. As used in this  
524 subsection, the term "kickback" means any thing or service of  
525 value for which consideration has not been provided for an  
526 officer's, a director's, or a manager's ~~his or her~~ benefit or  
527 for the benefit of a member of his or her immediate family from  
528 any person providing or proposing to provide goods or services  
529 to the association. An officer, a director, or a manager who  
530 knowingly solicits, offers to accept, or accepts a ~~any thing or~~  
531 ~~service of value or~~ kickback commits a felony of the third  
532 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
533 775.084, and for which consideration has not been provided for



174480

534 ~~his or her own benefit or that of his or her immediate family~~  
535 ~~from any person providing or proposing to provide goods or~~  
536 ~~services to the association~~ is subject to monetary damages under  
537 s. 617.0834. ~~If the board finds that an officer or a director~~  
538 ~~has violated this subsection, the board shall immediately remove~~  
539 ~~the officer or director from office.~~ The vacancy shall be filled  
540 according to law until the end of the officer's or director's  
541 term of office. However, an officer, a director, or a manager  
542 may accept food to be consumed at a business meeting with a  
543 value of less than \$25 per individual or a service or good  
544 received in connection with trade fairs or education programs.

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

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

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

552 3. Destruction of or the refusal to allow inspection or  
553 copying of an official record of a homeowners' association which  
554 is accessible to parcel owners within the time periods required  
555 by general law, in furtherance of any crime. Such act  
556 constitutes tampering with physical evidence as provided in s.  
557 918.13.

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

559 5. Any criminal violation under this chapter.

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

562 720.3035 Architectural control covenants; parcel owner



174480

563 improvements; rights and privileges.-

564 (1) The authority of an association or any architectural,  
565 construction improvement, or other such similar committee of an  
566 association to review and approve plans and specifications for  
567 the location, size, type, or appearance of any structure or  
568 other improvement on a parcel, or to enforce standards for the  
569 external appearance of any structure or improvement located on a  
570 parcel, ~~is shall be~~ permitted only to the extent that the  
571 authority is specifically stated or reasonably inferred as to  
572 such location, size, type, or appearance in the declaration of  
573 covenants or other published guidelines and standards authorized  
574 by the declaration of covenants. An association or any  
575 architectural, construction improvement, or similar committee of  
576 an association must reasonably and equitably apply and enforce  
577 on all parcel owners the architectural and construction  
578 improvement standards authorized by the declaration of covenants  
579 or other published guidelines and standards authorized by the  
580 declaration of covenants.

581 (4) Each parcel owner ~~is shall be~~ entitled to the rights  
582 and privileges set forth in the declaration of covenants or  
583 other published guidelines and standards authorized by the  
584 declaration of covenants concerning the architectural use of the  
585 parcel, and the construction of permitted structures and  
586 improvements on the parcel and such rights and privileges may  
587 ~~shall~~ not be unreasonably infringed upon or impaired by the  
588 association or any architectural, construction improvement, or  
589 other such similar committee of the association. If the  
590 association or any architectural, construction improvement, or  
591 other such similar committee of the association denies a parcel



174480

592 owner's request or application for the construction of a  
593 structure or other improvement on a parcel, the association or  
594 committee must provide written notice to the parcel owner  
595 stating with specificity the rule or covenant on which the  
596 association or committee relied when denying the request or  
597 application and the specific aspect or part of the proposed  
598 improvement that does not conform to such rule or covenant. If  
599 the association or any architectural, construction improvement,  
600 or other such similar committee of the association should  
601 unreasonably, knowingly, and willfully infringe upon or impair  
602 the rights and privileges set forth in the declaration of  
603 covenants or other published guidelines and standards authorized  
604 by the declaration of covenants, the adversely affected parcel  
605 owner is ~~shall be~~ entitled to recover damages caused by such  
606 infringement or impairment, including any costs and reasonable  
607 attorney ~~attorney's~~ fees incurred in preserving or restoring the  
608 rights and privileges of the parcel owner set forth in the  
609 declaration of covenants or other published guidelines and  
610 standards authorized by the declaration of covenants.

611 Section 6. Section 720.3045, Florida Statutes, is amended  
612 to read

613 720.3045 Installation, display, and storage of items.-  
614 Regardless of any covenants, restrictions, bylaws, rules, or  
615 requirements of an association, and unless prohibited by general  
616 law or local ordinance, an association may not restrict parcel  
617 owners or their tenants from installing, displaying, or storing  
618 any items on a parcel which are not visible from the parcel's  
619 frontage or an adjacent parcel, an adjacent common area, or a  
620 community golf course, including, but not limited to, artificial



621 turf, boats, flags, and recreational vehicles.

622 Section 7. Section 720.3065, Florida Statutes, is amended  
623 to read:

624 720.3065 Fraudulent voting activities relating to  
625 association elections; penalties.—

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

630 (a)~~(1)~~ Willfully and falsely swearing to or affirming an  
631 oath or affirmation, or willfully procuring another person to  
632 falsely swear to or affirm an oath or affirmation, in connection  
633 with or arising out of voting activities.

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

637 (c)~~(3)~~ Preventing a member from voting or preventing a  
638 member from voting as he or she intended by fraudulently  
639 changing or attempting to change a ballot, ballot envelope,  
640 vote, or voting certificate of the member.

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

644 (e)~~(5)~~ Giving or promising, directly or indirectly,  
645 anything of value to another member with the intent to buy the  
646 vote of that member or another member or to corruptly influence  
647 that member or another member in casting his or her vote. This  
648 paragraph subsection does not apply to any food served which is  
649 to be consumed at an election rally or a meeting or to any item



174480

650 of nominal value which is used as an election advertisement,  
651 including a campaign message designed to be worn by a member.

652 (f) ~~(6)~~ Using or threatening to use, directly or indirectly,  
653 force, violence, or intimidation or any tactic of coercion or  
654 intimidation to induce or compel a member to vote or refrain  
655 from voting in an election or on a particular ballot measure.

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

659 (a) Knowingly aiding, abetting, or advising a person in the  
660 commission of a fraudulent voting activity related to  
661 association elections.

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

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

669  
670 This subsection does not apply to a licensed attorney giving  
671 legal advice to a client.

672 Section 8. Paragraph (c) of subsection (3) of section  
673 720.3085, Florida Statutes, is amended to read:

674 720.3085 Payment for assessments; lien claims.—

675 (3) Assessments and installments on assessments that are  
676 not paid when due bear interest from the due date until paid at  
677 the rate provided in the declaration of covenants or the bylaws  
678 of the association, which rate may not exceed the rate allowed





174480

679 by law. If no rate is provided in the declaration or bylaws,  
680 interest accrues at the rate of 18 percent per year.

681 (c)1. If an association sends out an invoice for  
682 assessments or a parcel's statement of the account described in  
683 s. 720.303(4)(a)10.b. ~~s. 720.303(4)(j)2.~~, the invoice for  
684 assessments or the parcel's statement of account must be  
685 delivered to the parcel owner by first-class United States mail  
686 or by electronic transmission to the parcel owner's e-mail  
687 address maintained in the association's official records.

688 2. Before changing the method of delivery for an invoice  
689 for assessments or the statement of the account, the association  
690 must deliver a written notice of such change to each parcel  
691 owner. The written notice must be delivered to the parcel owner  
692 at least 30 days before the association sends the invoice for  
693 assessments or the statement of the account by the new delivery  
694 method. The notice must be sent by first-class United States  
695 mail to the owner at his or her last address as reflected in the  
696 association's records and, if such address is not the parcel  
697 address, must be sent by first-class United States mail to the  
698 parcel address. Notice is deemed to have been delivered upon  
699 mailing as required by this subparagraph.

700 3. A parcel owner must affirmatively acknowledge his or her  
701 understanding that the association will change its method of  
702 delivery of the invoice for assessments or the statement of the  
703 account before the association may change the method of  
704 delivering an invoice for assessments or the statement of  
705 account. The parcel owner may make the affirmative  
706 acknowledgment electronically or in writing.

707 Section 9. Section 720.317, Florida Statutes, is amended to



174480

708 read:

709 720.317 Electronic voting.—The association may conduct  
710 elections and other membership votes through an Internet-based  
711 online voting system if a member consents, electronically or in  
712 writing, to online voting and if the following requirements are  
713 met:

714 (1) The association provides each member with:

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

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

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

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

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

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

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

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

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

735 (3) A member voting electronically pursuant to this section  
736 shall be counted as being in attendance at the meeting for



737 purposes of determining a quorum.

738 (4) This section applies to an association that provides  
739 for and authorizes an online voting system pursuant to this  
740 section by a board resolution. The board resolution must provide  
741 that members receive notice of the opportunity to vote through  
742 an online voting system, must establish reasonable procedures  
743 and deadlines for members to consent, electronically or in  
744 writing, to online voting, and must establish reasonable  
745 procedures and deadlines for members to opt out of online voting  
746 after giving consent. Written notice of a meeting at which the  
747 board resolution regarding online voting will be considered must  
748 be mailed, delivered, or electronically transmitted to the unit  
749 owners and posted conspicuously on the condominium property or  
750 association property at least 14 days before the meeting.  
751 Evidence of compliance with the 14-day notice requirement must  
752 be made by an affidavit executed by the person providing the  
753 notice and filed with the official records of the association.

754 (5) A member's consent to online voting is valid until the  
755 member opts out of online voting pursuant to the procedures  
756 established by the board of administration pursuant to  
757 subsection (4).

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

760 Section 10. This act shall take effect July 1, 2024.

761  
762 ===== T I T L E A M E N D M E N T =====

763 And the title is amended as follows:

764 Delete everything before the enacting clause  
765 and insert:



174480

766                                   A bill to be entitled  
767           An act relating to homeowners' associations; amending  
768           s. 468.4334, F.S.; providing requirements for certain  
769           community association managers and community  
770           association management firms; amending s. 468.4337,  
771           F.S.; prohibiting the Regulatory Council of Community  
772           Association Managers from requiring more than a  
773           specified number of hours of continuing education  
774           annually for license renewal; requiring certain  
775           community association managers to biennially complete  
776           a specified number of hours of continuing education,  
777           including a specified number of hours on a specified  
778           subject; amending s. 720.303, F.S.; requiring an  
779           association to maintain certain documents for a  
780           specified timeframe; requiring certain associations to  
781           post certain documents on their website or make them  
782           available through an application on a mobile device;  
783           providing construction; requiring an association to  
784           provide certain information to parcel owners upon  
785           written request; requiring an association to ensure  
786           certain information and records are not accessible on  
787           the website or application; providing that an  
788           association or its agent is not liable for the  
789           disclosure of certain information; requiring an  
790           association to adopt certain rules; providing criminal  
791           penalties for directors or members of the board or  
792           association and community association managers who  
793           knowingly, willfully, and repeatedly fail to maintain  
794           and make available specific records; defining the term



174480

795 "repeatedly"; providing criminal penalties for persons  
796 who knowingly and intentionally deface or destroy, or  
797 intentionally fail to maintain, specified accounting  
798 records; providing criminal penalties for persons who  
799 willfully and knowingly refuse to release certain  
800 records for specific purposes; requiring an  
801 association to provide or make available subpoenaed  
802 records within a certain timeframe; requiring an  
803 association to assist in a law enforcement  
804 investigation as allowed by law; requiring certain  
805 associations to prepare audited financial statements;  
806 prohibiting an association from preparing financial  
807 statements for consecutive fiscal years; prohibiting  
808 an association and its officers, directors, employees,  
809 and agents from using a debit card issued in the name  
810 of the association; providing that persons who violate  
811 such prohibition commit theft under s. 812.014, F.S.,  
812 punishable as provided in that section; defining the  
813 term "lawful obligation of the association"; making  
814 technical changes; amending s. 720.3033, F.S.;  
815 deleting a requirement that a director certify in  
816 writing to the secretary of the association that he or  
817 she has read certain documents; requiring newly  
818 elected or appointed directors to complete a certain  
819 educational curriculum approved by the department  
820 within a certain time period; requiring a director to  
821 retake the educational curriculum after a certain time  
822 period; providing subject matter for the educational  
823 curriculum; requiring certain directors of an



824 association to annually complete a minimum amount of  
825 continuing education; requiring the department to  
826 adopt rules; prohibiting officers, directors, or  
827 managers of an association from soliciting, offering  
828 to accept, or accepting a kickback; defining the term  
829 "kickback"; providing criminal penalties for officers,  
830 directors, and managers of an association who accept  
831 bribes or kickbacks; making technical changes;  
832 amending s. 720.3035, F.S.; requiring an association  
833 or any architectural, construction improvement, or  
834 similar committee of an association to apply and  
835 enforce certain standards in a specified manner with  
836 regard to all parcel owners; requiring such committees  
837 to provide certain written notice to a parcel owner if  
838 a certain request or application is denied; making  
839 technical changes; amending s. 720.3045, F.S.;

840 revising the criteria for determining whether a parcel  
841 owner or tenant may install, display, or store certain  
842 items on the parcel; amending s. 720.3065, F.S.;

843 providing criminal penalties for certain violations  
844 related to fraudulent voting activity related to  
845 association elections; making technical changes;

846 providing applicability; amending s. 720.3085, F.S.;

847 conforming a cross-reference; amending s. 720.317,  
848 F.S.; providing that a homeowner may consent to online  
849 voting electronically, as well as in writing, and that  
850 association boards must establish reasonable  
851 procedures for giving such consent; providing an  
852 effective date.