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CS/CS/HB 1203, Engrossed 1

2024 Legislature

1  
 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.; requiring certain community association managers  
 7 to take a specific number of hours of continuing  
 8 education biennially; amending s. 720.303, F.S.;  
 9 requiring that official records of a homeowners'  
 10 association be maintained for a certain number of  
 11 years; requiring certain associations to post certain  
 12 documents on its website or make available such  
 13 documents through an application by a date certain;  
 14 providing requirements for an association's website or  
 15 application; requiring an association to provide  
 16 certain information to parcel owners upon request;  
 17 requiring an association to ensure certain information  
 18 and records are not accessible on the website or  
 19 application; providing that an association or its  
 20 agent is not liable for the disclosure of certain  
 21 information; requiring an association to adopt certain  
 22 rules; providing criminal penalties; defining the term  
 23 "repeatedly"; requiring an association to provide or  
 24 make available subpoenaed records within a certain  
 25 timeframe; requiring an association to assist in a law

ENROLLED

CS/CS/HB 1203, Engrossed 1

2024 Legislature

26 enforcement investigation as allowed by law; requiring  
 27 that certain associations prepare audited financial  
 28 statements; prohibiting associations from preparing  
 29 financial statements for consecutive years;  
 30 prohibiting an association and certain persons from  
 31 using specified debit cards for payment of association  
 32 expenses; providing a criminal penalty; defining the  
 33 term "lawful obligation of the association"; requiring  
 34 a detailed accounting of amounts due to the  
 35 association be given to certain persons within a  
 36 certain timeframe upon written request; limiting how  
 37 often certain persons may request from the board a  
 38 detailed accounting; providing for a waiver of  
 39 outstanding fines which are more than a specified  
 40 timeframe past due under certain circumstances; making  
 41 technical changes; amending s. 720.3033, F.S.;  
 42 providing education requirements for newly elected or  
 43 appointed directors; providing requirements for the  
 44 educational curriculum; requiring certain directors to  
 45 complete a certain number of hours of continuing  
 46 education annually; requiring the Department of  
 47 Business and Professional Regulation to adopt certain  
 48 rules; defining the term "kickback"; providing  
 49 criminal penalties for certain actions by an officer,  
 50 a director, or a manager of an association; providing

ENROLLED

CS/CS/HB 1203, Engrossed 1

2024 Legislature

51 that a vacancy is declared if a director or an officer  
 52 is charged by information or indictment with certain  
 53 crimes; making technical changes; amending s.  
 54 720.3035, F.S.; requiring an association or any  
 55 architectural, construction improvement, or other such  
 56 similar committee of an association to apply and  
 57 enforce certain standards reasonably and equitably;  
 58 prohibiting an association or certain committees of  
 59 the association from enforcing or adopting certain  
 60 covenants, rules, or guidelines; requiring an  
 61 association or any architectural, construction  
 62 improvement, or other such similar committee of an  
 63 association to provide certain written notice to a  
 64 parcel owner; amending s. 720.3045, F.S.; authorizing  
 65 parcel owners or their tenants to install, display, or  
 66 store clotheslines and vegetable gardens under certain  
 67 circumstances; conforming to a provision made by this  
 68 act; amending s. 720.305, F.S.; specifying the manner  
 69 in which fines, suspensions, attorney fees, and costs  
 70 are determined; requiring that certain notices be  
 71 provided to parcel owners and, if applicable, an  
 72 occupant, a licensee, or an invitee of the parcel  
 73 owner; requiring that certain hearings be held within  
 74 a specified timeframe and authorizing such hearings to  
 75 be held by telephone or other electronic means;

ENROLLED

CS/CS/HB 1203, Engrossed 1

2024 Legislature

76 | prohibiting a fine or suspension from being imposed if  
 77 | a violation has been cured before the hearing;  
 78 | requiring the committee to set a hearing no later than  
 79 | a specified timeframe if a violation is not cured;  
 80 | prohibiting attorney fees and costs from being awarded  
 81 | against a parcel owner based on certain actions by the  
 82 | board before the date the fine is to be paid;  
 83 | prohibiting an association from levying a fine or  
 84 | imposing a suspension for certain actions; amending s.  
 85 | 720.3065, F.S.; providing criminal penalties for  
 86 | certain voting violations; providing applicability;  
 87 | making technical changes; amending s. 720.3075, F.S.;  
 88 | prohibiting certain homeowners' association documents  
 89 | from precluding property owners from taking, limiting,  
 90 | or requiring certain actions; amending s. 720.3085,  
 91 | F.S.; specifying when a lien is effective for  
 92 | mortgages of record; deleting provisions relating to  
 93 | the priority of certain liens, mortgages, or certified  
 94 | judgments; specifying that simple interest accrues on  
 95 | assessments and installments on assessments that are  
 96 | not paid when due; providing that assessments and  
 97 | installments on assessments may not accrue compound  
 98 | interest; amending s. 720.317, F.S.; authorizing a  
 99 | member to consent electronically to online voting if  
 100 | certain conditions are met; amending s. 720.318, F.S.;

ENROLLED

CS/CS/HB 1203, Engrossed 1

2024 Legislature

101 authorizing a law enforcement officer to park his or  
 102 her assigned law enforcement vehicle on public roads  
 103 and rights-of-way; providing an effective date.

104  
 105 Be It Enacted by the Legislature of the State of Florida:

106  
 107 Section 1. Subsection (3) is added to section 468.4334,  
 108 Florida Statutes, to read:

109 468.4334 Professional practice standards; liability;  
 110 community association manager requirements.-

111 (3) A community association manager or community  
 112 association management firm that is authorized by contract to  
 113 provide community association management services to a  
 114 homeowners' association shall do all of the following:

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

117 (b) Provide to the members of the homeowners' association  
 118 the name and contact information for each community association  
 119 manager or representative of a community association management  
 120 firm assigned to the homeowners' association, the manager's or  
 121 representative's hours of availability, and a summary of the  
 122 duties for which the manager or representative is responsible.

123 The homeowners' association shall also post this information on  
 124 the association's website or application required under s.  
 125 720.303(4)(b). The community association manager or community

ENROLLED

CS/CS/HB 1203, Engrossed 1

2024 Legislature

126 association management firm shall update the homeowners'  
 127 association and its members within 14 business days after any  
 128 change to such information.

129 (c) Provide to any member upon request a copy of the  
 130 contract between the community association manager or community  
 131 association management firm and the homeowners' association and  
 132 include such contract with association's official records.

133 Section 2. Section 468.4337, Florida Statutes, is amended  
 134 to read:

135 468.4337 Continuing education.—The department may not  
 136 renew a license until the licensee submits proof that the  
 137 licensee has completed the requisite hours of continuing  
 138 education. ~~No more than 10 hours of continuing education~~  
 139 ~~annually shall be required for renewal of a license.~~ The number  
 140 of continuing education hours, criteria, and course content  
 141 shall be approved by the council by rule. The council may not  
 142 require more than 10 hours of continuing education annually for  
 143 renewal of a license. A community association manager who  
 144 provides community association management services to a  
 145 homeowners' association must biennially complete at least 5  
 146 hours of continuing education that pertains specifically to  
 147 homeowners' associations, 3 hours of which must relate to  
 148 recordkeeping.

149 Section 3. Subsections (1), (4), and (5), paragraph (f) of  
 150 subsection (6), and paragraphs (a) and (d) of subsection (7) of

ENROLLED

CS/CS/HB 1203, Engrossed 1

2024 Legislature

151 section 720.303, Florida Statutes, are amended, and subsections  
 152 (13) and (14) are added to that section, to read:

153 720.303 Association powers and duties; meetings of board;  
 154 official records; budgets; financial reporting; association  
 155 funds; recalls.—

156 (1) POWERS AND DUTIES.—An association that ~~which~~ operates  
 157 a community as defined in s. 720.301, must be operated by an  
 158 association that is a Florida corporation. After October 1,  
 159 1995, the association must be incorporated and the initial  
 160 governing documents must be recorded in the official records of  
 161 the county in which the community is located. An association may  
 162 operate more than one community. The officers and directors of  
 163 an association are subject to s. 617.0830 and have a fiduciary  
 164 relationship to the members who are served by the association.  
 165 The powers and duties of an association include those set forth  
 166 in this chapter and, except as expressly limited or restricted  
 167 in this chapter, those set forth in the governing documents.  
 168 After control of the association is obtained by members other  
 169 than the developer, the association may institute, maintain,  
 170 settle, or appeal actions or hearings in its name on behalf of  
 171 all members concerning matters of common interest to the  
 172 members, including, but not limited to, the common areas; roof  
 173 or structural components of a building, or other improvements  
 174 for which the association is responsible; mechanical,  
 175 electrical, or plumbing elements serving an improvement or

ENROLLED

CS/CS/HB 1203, Engrossed 1

2024 Legislature

176 building for which the association is responsible;  
177 representations of the developer pertaining to any existing or  
178 proposed commonly used facility; and protesting ad valorem taxes  
179 on commonly used facilities. The association may defend actions  
180 in eminent domain or bring inverse condemnation actions. Before  
181 commencing litigation against any party in the name of the  
182 association involving amounts in controversy in excess of  
183 \$100,000, the association must obtain the affirmative approval  
184 of a majority of the voting interests at a meeting of the  
185 membership at which a quorum has been attained. This subsection  
186 does not limit any statutory or common-law right of any  
187 individual member or class of members to bring any action  
188 without participation by the association. A member does not have  
189 authority to act for the association by virtue of being a  
190 member. An association may have more than one class of members  
191 and may issue membership certificates. An association of 15 or  
192 fewer parcel owners may enforce only the requirements of those  
193 deed restrictions established prior to the purchase of each  
194 parcel upon an affected parcel owner or owners.

195 (4) OFFICIAL RECORDS.—

196 (a) The association shall maintain each of the following  
197 items, when applicable, for at least 7 years, unless the  
198 governing documents of the association require a longer period  
199 of time, which constitute the official records of the  
200 association:



ENROLLED

CS/CS/HB 1203, Engrossed 1

2024 Legislature

201        1.~~(a)~~ Copies of any plans, specifications, permits, and  
 202 warranties related to improvements constructed on the common  
 203 areas or other property that the association is obligated to  
 204 maintain, repair, or replace.

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

207        3.~~(c)~~ A copy of the articles of incorporation of the  
 208 association and of each amendment thereto.

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

211        5.~~(e)~~ A copy of the current rules of the homeowners'  
 212 association.

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

216        7.~~(g)~~ A current roster of all members and their designated  
 217 mailing addresses and parcel identifications. A member's  
 218 designated mailing address is the member's property address,  
 219 unless the member has sent written notice to the association  
 220 requesting that a different mailing address be used for all  
 221 required notices. The association shall also maintain the e-mail  
 222 addresses and the facsimile numbers designated by members for  
 223 receiving notice sent by electronic transmission of those  
 224 members consenting to receive notice by electronic transmission.  
 225 A member's e-mail address is the e-mail address the member

ENROLLED

CS/CS/HB 1203, Engrossed 1

2024 Legislature

226 provided when consenting in writing to receiving notice by  
 227 electronic transmission, unless the member has sent written  
 228 notice to the association requesting that a different e-mail  
 229 address be used for all required notices. The e-mail addresses  
 230 and facsimile numbers provided by members to receive notice by  
 231 electronic transmission must be removed from association records  
 232 when the member revokes consent to receive notice by electronic  
 233 transmission. However, the association is not liable for an  
 234 erroneous disclosure of the e-mail address or the facsimile  
 235 number for receiving electronic transmission of notices.

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

239 9.~~(i)~~ A current copy of all contracts to which the  
 240 association is a party, including, without limitation, any  
 241 management agreement, lease, or other contract under which the  
 242 association has any obligation or responsibility. Bids received  
 243 by the association for work to be performed are ~~must also be~~  
 244 considered official records and must be kept for a period of 1  
 245 year.

246 10.~~(j)~~ The financial and accounting records of the  
 247 association, kept according to good accounting practices. ~~All~~  
 248 ~~financial and accounting records must be maintained for a period~~  
 249 ~~of at least 7 years.~~ The financial and accounting records must  
 250 include:

ENROLLED

CS/CS/HB 1203, Engrossed 1

2024 Legislature

251 a.1. Accurate, itemized, and detailed records of all  
 252 receipts and expenditures.

253 b.2. A current account and a periodic statement of the  
 254 account for each member, designating the name and current  
 255 address of each member who is obligated to pay assessments, the  
 256 due date and amount of each assessment or other charge against  
 257 the member, the date and amount of each payment on the account,  
 258 and the balance due.

259 c.3. All tax returns, financial statements, and financial  
 260 reports of the association.

261 d.4. Any other records that identify, measure, record, or  
 262 communicate financial information.

263 11.~~(k)~~ A copy of the disclosure summary described in s.  
 264 720.401(1).

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

269 13.~~(m)~~ All affirmative acknowledgments made pursuant to s.  
 270 720.3085(3)(c)3.

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

274 (b)1. By January 1, 2025, an association that has 100 or  
 275 more parcels shall post the following documents on its website

ENROLLED

CS/CS/HB 1203, Engrossed 1

2024 Legislature

276 or make available such documents through an application that can  
 277 be downloaded on a mobile device:

278 a. The articles of incorporation of the association and  
 279 each amendment thereto.

280 b. The recorded bylaws of the association and each  
 281 amendment thereto.

282 c. The declaration of covenants and a copy of each  
 283 amendment thereto.

284 d. The current rules of the association.

285 e. A list of all current executory contracts or documents  
 286 to which the association is a party or under which the  
 287 association or the parcel owners have an obligation or  
 288 responsibility and, after bidding for the related materials,  
 289 equipment, or services has closed, a list of bids received by  
 290 the association within the past year.

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

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

296 h. The association's current insurance policies.

297 i. The certification of each director as required by s.  
 298 720.3033(1)(a).

299 j. All contracts or transactions between the association  
 300 and any director, officer, corporation, firm, or association

ENROLLED

CS/CS/HB 1203, Engrossed 1

2024 Legislature

301 that is not an affiliated homeowners' association or any other  
302 entity in which a director of an association is also a director  
303 or an officer and has a financial interest.

304 k. Any contract or document regarding a conflict of  
305 interest or possible conflict of interest as provided in ss.  
306 468.436(2)(b)6. and 720.3033(2).

307 1. Notice of any scheduled meeting of members and the  
308 agenda for the meeting, as required by s. 720.306, at least 14  
309 days before such meeting. The notice must be posted in plain  
310 view on the homepage of the website or application, or on a  
311 separate subpage of the website or application labeled "Notices"  
312 which is conspicuously visible and linked from the homepage. The  
313 association shall also post on its website or application any  
314 document to be considered and voted on by the members during the  
315 meeting or any document listed on the meeting agenda at least 7  
316 days before the meeting at which such document or information  
317 within the document will be considered.

318 m. Notice of any board meeting, the agenda, and any other  
319 document required for such meeting as required by subsection  
320 (3), which must be posted on the website or application no later  
321 than the date required for notice under subsection (3).

322 2. The association's website or application must be  
323 accessible through the Internet and must contain a subpage, web  
324 portal, or other protected electronic location that is  
325 inaccessible to the general public and accessible only to parcel

ENROLLED

CS/CS/HB 1203, Engrossed 1

2024 Legislature

326 owners and employees of the association.

327 3. Upon written request by a parcel owner, the association  
328 must provide the parcel owner with a username and password and  
329 access to the protected sections of the association's website or  
330 application which contains the official documents of the  
331 association.

332 4. The association shall ensure that the information and  
333 records described in paragraph (5)(g), which are not allowed to  
334 be accessible to parcel owners, are not posted on the  
335 association's website or application. If protected information  
336 or information restricted from being accessible to parcel owners  
337 is included in documents that are required to be posted on the  
338 association's website or application, the association must  
339 ensure the information is redacted before posting the documents.  
340 Notwithstanding the foregoing, the association or its authorized  
341 agent is not liable for disclosing information that is protected  
342 or restricted under paragraph (5)(g) unless such disclosure was  
343 made with a knowing or intentional disregard of the protected or  
344 restricted nature of such information.

345 (c) The association shall adopt written rules governing  
346 the method or policy by which the official records of the  
347 association are to be retained and the time period such records  
348 must be retained pursuant to paragraph (a). Such information  
349 must be made available to the parcel owners through the  
350 association's website or application.

ENROLLED

CS/CS/HB 1203, Engrossed 1

2024 Legislature

351 (5) INSPECTION AND COPYING OF RECORDS.—  
 352 (a) Unless otherwise provided by law or the governing  
 353 documents of the association, the official records must ~~shall~~ be  
 354 maintained within this ~~the~~ state for at least 7 years and ~~shall~~  
 355 be made available to a parcel owner for inspection or  
 356 photocopying within 45 miles of the community or within the  
 357 county in which the association is located within 10 business  
 358 days after receipt by the board or its designee of a written  
 359 request from the parcel owner. This subsection may be complied  
 360 with by having a copy of the official records available for  
 361 inspection or copying in the community or, ~~at the option of the~~  
 362 ~~association,~~ by making the records available to a parcel owner  
 363 electronically via the Internet or by allowing the records to be  
 364 viewed in electronic format on a computer screen and printed  
 365 upon request. If the association has a photocopy machine  
 366 available where the records are maintained, it must provide  
 367 parcel owners with copies on request during the inspection if  
 368 the entire request is limited to no more than 25 pages. An  
 369 association shall allow a member or his or her authorized  
 370 representative to use a portable device, including a smartphone,  
 371 tablet, portable scanner, or any other technology capable of  
 372 scanning or taking photographs, to make an electronic copy of  
 373 the official records in lieu of the association's providing the  
 374 member or his or her authorized representative with a copy of  
 375 such records. The association may not charge a fee to a member

ENROLLED

CS/CS/HB 1203, Engrossed 1

2024 Legislature

376 or his or her authorized representative for the use of a  
 377 portable device.

378 (b)-(a) The failure of an association to provide access to  
 379 the records within 10 business days after receipt of a written  
 380 request submitted by certified mail, return receipt requested,  
 381 creates a rebuttable presumption that the association willfully  
 382 failed to comply with this subsection.

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

389 (d) Any director or member of the board or association or  
 390 a community association manager who knowingly, willfully, and  
 391 repeatedly violates paragraph (a), with the intent of causing  
 392 harm to the association or one or more of its members, commits a  
 393 misdemeanor of the second degree, punishable as provided in s.  
 394 775.082 or s. 775.083. For purposes of this paragraph, the term  
 395 "repeatedly" means two or more violations within a 12-month  
 396 period.

397 (e) Any person who knowingly and intentionally defaces or  
 398 destroys accounting records during the period in which such  
 399 records are required to be maintained, or who knowingly or  
 400 intentionally fails to create or maintain accounting records



ENROLLED

CS/CS/HB 1203, Engrossed 1

2024 Legislature

401 that are required to be created or maintained, with the intent  
 402 of causing harm to the association or one or more of its  
 403 members, commits a misdemeanor of the first degree, punishable  
 404 as provided in s. 775.082 or s. 775.083.

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

411 (g)-(e) The association may adopt reasonable written rules  
 412 governing the frequency, time, location, notice, records to be  
 413 inspected, and manner of inspections, but may not require a  
 414 parcel owner to demonstrate any proper purpose for the  
 415 inspection, state any reason for the inspection, or limit a  
 416 parcel owner's right to inspect records to less than one 8-hour  
 417 business day per month. The association may impose fees to cover  
 418 the costs of providing copies of the official records, including  
 419 the costs of copying and the costs required for personnel to  
 420 retrieve and copy the records if the time spent retrieving and  
 421 copying the records exceeds one-half hour and if the personnel  
 422 costs do not exceed \$20 per hour. Personnel costs may not be  
 423 charged for records requests that result in the copying of 25 or  
 424 fewer pages. The association may charge up to 25 cents per page  
 425 for copies made on the association's photocopier. If the

ENROLLED

CS/CS/HB 1203, Engrossed 1

2024 Legislature

426 association does not have a photocopy machine available where  
427 the records are kept, or if the records requested to be copied  
428 exceed 25 pages in length, the association may have copies made  
429 by an outside duplicating service and may charge the actual cost  
430 of copying, as supported by the vendor invoice. The association  
431 shall maintain an adequate number of copies of the recorded  
432 governing documents, to ensure their availability to members and  
433 prospective members. Notwithstanding this subsection ~~paragraph~~,  
434 the following records are not accessible to members or parcel  
435 owners:

436 1. Any record protected by the lawyer-client privilege as  
437 described in s. 90.502 and any record protected by the work-  
438 product privilege, including, but not limited to, a record  
439 prepared by an association attorney or prepared at the  
440 attorney's express direction which reflects a mental impression,  
441 conclusion, litigation strategy, or legal theory of the attorney  
442 or the association and which was prepared exclusively for civil  
443 or criminal litigation or for adversarial administrative  
444 proceedings or which was prepared in anticipation of such  
445 litigation or proceedings until the conclusion of the litigation  
446 or proceedings.

447 2. Information obtained by an association in connection  
448 with the approval of the lease, sale, or other transfer of a  
449 parcel.

450 3. Information an association obtains in a gated community

ENROLLED

CS/CS/HB 1203, Engrossed 1

2024 Legislature

451 in connection with guests' visits to parcel owners or community  
 452 residents.

453 4. Personnel records of association or management company  
 454 employees, including, but not limited to, disciplinary, payroll,  
 455 health, and insurance records. For purposes of this  
 456 subparagraph, the term "personnel records" does not include  
 457 written employment agreements with an association or management  
 458 company employee or budgetary or financial records that indicate  
 459 the compensation paid to an association or management company  
 460 employee.

461 5. Medical records of parcel owners or community  
 462 residents.

463 6. Social security numbers, driver license numbers, credit  
 464 card numbers, electronic mailing addresses, telephone numbers,  
 465 facsimile numbers, emergency contact information, any addresses  
 466 for a parcel owner other than as provided for association notice  
 467 requirements, and other personal identifying information of any  
 468 person, excluding the person's name, parcel designation, mailing  
 469 address, and property address. Notwithstanding the restrictions  
 470 in this subparagraph, an association may print and distribute to  
 471 parcel owners a directory containing the name, parcel address,  
 472 and all telephone numbers of each parcel owner. However, an  
 473 owner may exclude his or her telephone numbers from the  
 474 directory by so requesting in writing to the association. An  
 475 owner may consent in writing to the disclosure of other contact

ENROLLED

CS/CS/HB 1203, Engrossed 1

2024 Legislature

476 information described in this subparagraph. The association is  
477 not liable for the disclosure of information that is protected  
478 under this subparagraph if the information is included in an  
479 official record of the association and is voluntarily provided  
480 by an owner and not requested by the association.

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

483 8. The software and operating system used by the  
484 association which allows the manipulation of data, even if the  
485 owner owns a copy of the same software used by the association.  
486 The data is part of the official records of the association.

487 9. All affirmative acknowledgments made pursuant to s.  
488 720.3085(3)(c)3.

489 (h)~~(d)~~ The association or its authorized agent is not  
490 required to provide a prospective purchaser or lienholder with  
491 information about the residential subdivision or the association  
492 other than information or documents required by this chapter to  
493 be made available or disclosed. The association or its  
494 authorized agent may charge a reasonable fee to the prospective  
495 purchaser or lienholder or the current parcel owner or member  
496 for providing good faith responses to requests for information  
497 by or on behalf of a prospective purchaser or lienholder, other  
498 than that required by law, if the fee does not exceed \$150 plus  
499 the reasonable cost of photocopying and any attorney fees  
500 incurred by the association in connection with the response.

ENROLLED

CS/CS/HB 1203, Engrossed 1

2024 Legislature

501        (i) If an association receives a subpoena for records from  
 502 a law enforcement agency, the association must provide a copy of  
 503 such records or otherwise make the records available for  
 504 inspection and copying to a law enforcement agency within 5  
 505 business days after receipt of the subpoena, unless otherwise  
 506 specified by the law enforcement agency or subpoena. An  
 507 association must assist a law enforcement agency in its  
 508 investigation to the extent permissible by law.

509        (6) BUDGETS.—

510        (f) After one or more reserve accounts are established,  
 511 the membership of the association, upon a majority vote at a  
 512 meeting at which a quorum is present, may provide for no  
 513 reserves or less reserves than required by this section. If a  
 514 meeting of the parcel ~~unit~~ owners has been called to determine  
 515 whether to waive or reduce the funding of reserves and such  
 516 result is not achieved or a quorum is not present, the reserves  
 517 as included in the budget go into effect. After the turnover,  
 518 the developer may vote its voting interest to waive or reduce  
 519 the funding of reserves. Any vote taken pursuant to this  
 520 subsection to waive or reduce reserves is applicable only to one  
 521 budget year.

522        (7) FINANCIAL REPORTING.—Within 90 days after the end of  
 523 the fiscal year, or annually on the date provided in the bylaws,  
 524 the association shall prepare and complete, or contract with a  
 525 third party for the preparation and completion of, a financial

ENROLLED

CS/CS/HB 1203, Engrossed 1

2024 Legislature

526 report for the preceding fiscal year. Within 21 days after the  
 527 final financial report is completed by the association or  
 528 received from the third party, but not later than 120 days after  
 529 the end of the fiscal year or other date as provided in the  
 530 bylaws, the association shall, within the time limits set forth  
 531 in subsection (5), provide each member with a copy of the annual  
 532 financial report or a written notice that a copy of the  
 533 financial report is available upon request at no charge to the  
 534 member. Financial reports shall be prepared as follows:

535 (a) An association that meets the criteria of this  
 536 paragraph shall prepare or cause to be prepared a complete set  
 537 of financial statements in accordance with generally accepted  
 538 accounting principles as adopted by the Board of Accountancy.  
 539 The financial statements shall be based upon the association's  
 540 total annual revenues, as follows:

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

544 2. An association with total annual revenues of at least  
 545 \$300,000, but less than \$500,000, shall prepare reviewed  
 546 financial statements.

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

549 4. An association with at least 1,000 parcels shall  
 550 prepare audited financial statements, notwithstanding the

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CS/CS/HB 1203, Engrossed 1

2024 Legislature

551 association's total annual revenues.

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

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

557 2. A report of cash receipts and expenditures or a  
 558 compiled financial statement in lieu of a reviewed or audited  
 559 financial statement; or

560 3. A report of cash receipts and expenditures, a compiled  
 561 financial statement, or a reviewed financial statement in lieu  
 562 of an audited financial statement.

563  
 564 An association may not prepare a financial statement pursuant to  
 565 this paragraph for consecutive fiscal years.

566 (13) DEBIT CARDS.—

567 (a) An association and its officers, directors, employees,  
 568 and agents may not use a debit card issued in the name of the  
 569 association, or billed directly to the association, for the  
 570 payment of any association expenses.

571 (b) A person who uses a debit card issued in the name of  
 572 the association, or billed directly to the association, for any  
 573 expense that is not a lawful obligation of the association  
 574 commits theft as provided under s. 812.014.

575

ENROLLED

CS/CS/HB 1203, Engrossed 1

2024 Legislature

576 For the purposes of this subsection, the term "lawful obligation  
 577 of the association" means an obligation that has been properly  
 578 preapproved by the board and is reflected in the meeting minutes  
 579 or the written budget.

580 (14) REQUIREMENT TO PROVIDE AN ACCOUNTING.—A parcel owner  
 581 may make a written request to the board for a detailed  
 582 accounting of any amounts he or she owes to the association  
 583 related to the parcel, and the board shall provide such  
 584 information within 15 business days after receipt of the written  
 585 request. After a parcel owner makes such written request to the  
 586 board, he or she may not request another detailed accounting for  
 587 at least 90 calendar days. Failure by the board to respond  
 588 within 15 business days to a written request for a detailed  
 589 accounting constitutes a complete waiver of any outstanding  
 590 finances of the person who requested such accounting which are more  
 591 than 30 days past due and for which the association has not  
 592 given prior written notice of the imposition of the fines.

593 Section 4. Subsections (1) and (3) and paragraph (a) of  
 594 subsection (4) of section 720.3033, Florida Statutes, are  
 595 amended to read:

596 720.3033 Officers and directors.—

597 (1)(a) Within 90 days after being elected or appointed to  
 598 the board, each ~~director shall certify in writing to the~~  
 599 ~~secretary of the association that he or she has read the~~  
 600 ~~association's declaration of covenants, articles of~~



ENROLLED

CS/CS/HB 1203, Engrossed 1

2024 Legislature

601 ~~incorporation, bylaws, and current written rules and policies;~~  
602 ~~that he or she will work to uphold such documents and policies~~  
603 ~~to the best of his or her ability; and that he or she will~~  
604 ~~faithfully discharge his or her fiduciary responsibility to the~~  
605 ~~association's members. Within 90 days after being elected or~~  
606 ~~appointed to the board, in lieu of such written certification,~~  
607 ~~the newly elected or appointed director must may submit a~~  
608 ~~certificate of having satisfactorily completed the educational~~  
609 ~~curriculum administered by a department-approved ~~division-~~~~  
610 ~~approved education provider.~~

611 1. The newly elected or appointed director must complete  
612 the department-approved education for newly elected or appointed  
613 directors within 90 days after being elected or appointed.

614 2. The certificate of completion is valid for a up to 4  
615 years.

616 3. A director must complete the education specific to  
617 newly elected or appointed directors at least every 4 years.

618 4. The department-approved educational curriculum specific  
619 to newly elected or appointed directors must include training  
620 relating to financial literacy and transparency, recordkeeping,  
621 levying of fines, and notice and meeting requirements.

622 5. In addition to the educational curriculum specific to  
623 newly elected or appointed directors:

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

ENROLLED

CS/CS/HB 1203, Engrossed 1

2024 Legislature

626 annually.

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

631 (b) ~~The written certification or educational certificate~~  
 632 ~~is valid for the uninterrupted tenure of the director on the~~  
 633 ~~board.~~ A director who does not timely file the ~~written~~  
 634 ~~certification or educational certificate~~ is ~~shall be~~ suspended  
 635 from the board until he or she complies with the requirement.  
 636 The board may temporarily fill the vacancy during the period of  
 637 suspension.

638 (c) The association shall retain each director's ~~written~~  
 639 ~~certification or educational certificate~~ for inspection by the  
 640 members for 5 years after the director's election. However, the  
 641 failure to have the written certification or educational  
 642 certificate on file does not affect the validity of any board  
 643 action.

644 (d) The department shall adopt rules to implement and  
 645 administer the educational curriculum and continuing education  
 646 requirements under this subsection.

647 (3) An officer, a director, or a manager may not solicit,  
 648 offer to accept, or accept a kickback. As used in this  
 649 subsection, the term "kickback" means any thing or service of  
 650 value for which consideration has not been provided for an

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CS/CS/HB 1203, Engrossed 1

2024 Legislature

651 officer's, a director's, or a manager's ~~his or her~~ benefit or  
 652 for the benefit of a member of his or her immediate family from  
 653 any person providing or proposing to provide goods or services  
 654 to the association. An officer, a director, or a manager who  
 655 knowingly solicits, offers to accept, or accepts a ~~any thing or~~  
 656 ~~service of value or kickback~~ commits a felony of the third  
 657 degree, punishable as provided in s. 775.082, 775.083, or s.  
 658 775.084, and for which consideration has not been provided for  
 659 ~~his or her own benefit or that of his or her immediate family~~  
 660 ~~from any person providing or proposing to provide goods or~~  
 661 ~~services to the association~~ is subject to monetary damages under  
 662 s. 617.0834. If the board finds that an officer or a director  
 663 has violated this subsection, the board must ~~shall~~ immediately  
 664 remove the officer or director from office. The vacancy shall be  
 665 filled according to law until the end of the officer's or  
 666 director's term of office. However, an officer, a director, or a  
 667 manager may accept food to be consumed at a business meeting  
 668 with a value of less than \$25 per individual or a service or  
 669 good received in connection with trade fairs or education  
 670 programs.

671 (4) (a) A director or an officer charged by information or  
 672 indictment with any of the following crimes must be removed from  
 673 office and a vacancy declared:

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

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CS/CS/HB 1203, Engrossed 1

2024 Legislature

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

678           3. Destruction of or the refusal to allow inspection or  
679 copying of an official record of a homeowners' association which  
680 is accessible to parcel owners within the time periods required  
681 by general law, in furtherance of any crime. Such act  
682 constitutes tampering with physical evidence as provided in s.  
683 918.13.

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

685           5. Any criminal violation under this chapter.

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

688           720.3035 Architectural control covenants; parcel owner  
689 improvements; rights and privileges.—

690           (1) (a) The authority of an association or any  
691 architectural, construction improvement, or other such similar  
692 committee of an association to review and approve plans and  
693 specifications for the location, size, type, or appearance of  
694 any structure or other improvement on a parcel, or to enforce  
695 standards for the external appearance of any structure or  
696 improvement located on a parcel, shall be permitted only to the  
697 extent that the authority is specifically stated or reasonably  
698 inferred as to such location, size, type, or appearance in the  
699 declaration of covenants or other published guidelines and  
700 standards authorized by the declaration of covenants. An

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CS/CS/HB 1203, Engrossed 1

2024 Legislature

701 association or any architectural, construction improvement, or  
 702 similar committee of an association must reasonably and  
 703 equitably apply and enforce on all parcel owners the  
 704 architectural and construction improvement standards authorized  
 705 by the declaration of covenants or other published guidelines  
 706 and standards authorized by the declaration of covenants.

707 (b) An association or any architectural, construction  
 708 improvement, or other such similar committee of an association  
 709 may not enforce or adopt a covenant, rule, or guideline that:

710 1. Limits or places requirements on the interior of a  
 711 structure that is not visible from the parcel's frontage or an  
 712 adjacent parcel, an adjacent common area, or a community golf  
 713 course.

714 2. Requires the review and approval of plans and  
 715 specifications for a central air-conditioning, refrigeration,  
 716 heating, or ventilating system by the association or any  
 717 architectural, construction improvement, or other such similar  
 718 committee of an association, if such system is not visible from  
 719 the parcel's frontage, an adjacent parcel, an adjacent common  
 720 area, or a community golf course and is substantially similar to  
 721 a system that is approved or recommended by the association or a  
 722 committee thereof.

723 (4)(a) Each parcel owner ~~is~~ shall be entitled to the  
 724 rights and privileges set forth in the declaration of covenants  
 725 or other published guidelines and standards authorized by the

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CS/CS/HB 1203, Engrossed 1

2024 Legislature

726 | declaration of covenants concerning the architectural use of the  
 727 | parcel, and the construction of permitted structures and  
 728 | improvements on the parcel. ~~and~~ Such rights and privileges may  
 729 | ~~shall~~ not be unreasonably infringed upon or impaired by the  
 730 | association or any architectural, construction improvement, or  
 731 | other such similar committee of the association. If the  
 732 | association or any architectural, construction improvement, or  
 733 | other such similar committee of the association denies a parcel  
 734 | owner's request or application for the construction of a  
 735 | structure or other improvement on a parcel, the association or  
 736 | committee must provide written notice to the parcel owner  
 737 | stating with specificity the rule or covenant on which the  
 738 | association or committee relied when denying the request or  
 739 | application and the specific aspect or part of the proposed  
 740 | improvement that does not conform to such rule or covenant.

741 |       (b) If the association or any architectural, construction  
 742 | improvement, or other such similar committee of the association  
 743 | should unreasonably, knowingly, and willfully infringe upon or  
 744 | impair the rights and privileges set forth in the declaration of  
 745 | covenants or other published guidelines and standards authorized  
 746 | by the declaration of covenants, the adversely affected parcel  
 747 | owner is ~~shall be~~ entitled to recover damages caused by such  
 748 | infringement or impairment, including any costs and reasonable  
 749 | attorney ~~attorney's~~ fees incurred in preserving or restoring the  
 750 | rights and privileges of the parcel owner set forth in the

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CS/CS/HB 1203, Engrossed 1

2024 Legislature

751 declaration of covenants or other published guidelines and  
 752 standards authorized by the declaration of covenants.

753 Section 6. Section 720.3045, Florida Statutes, is amended  
 754 to read:

755 720.3045 Installation, display, and storage of items.—  
 756 Regardless of any covenants, restrictions, bylaws, rules, or  
 757 requirements of an association, and unless prohibited by general  
 758 law or local ordinance, an association may not restrict parcel  
 759 owners or their tenants from installing, displaying, or storing  
 760 any items on a parcel which are not visible from the parcel's  
 761 frontage or an adjacent parcel, an adjacent common area, or a  
 762 community golf course, including, but not limited to, artificial  
 763 turf, boats, flags, vegetable gardens, clotheslines, and  
 764 recreational vehicles.

765 Section 7. Present paragraph (e) of subsection (2) of  
 766 section 720.305, Florida Statutes, is redesignated as paragraph  
 767 (f) and amended, a new paragraph (e) and paragraph (g) are added  
 768 to that subsection, subsection (7) is added to that section, and  
 769 paragraphs (b) and (d) of subsection (2) of that section are  
 770 amended, to read:

771 720.305 Obligations of members; remedies at law or in  
 772 equity; levy of fines and suspension of use rights.—

773 (2) An association may levy reasonable fines for  
 774 violations of the declaration, association bylaws, or reasonable  
 775 rules of the association. A fine may not exceed \$100 per

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CS/CS/HB 1203, Engrossed 1

2024 Legislature

776 violation against any member or any member's tenant, guest, or  
777 invitee for the failure of the owner of the parcel or its  
778 occupant, licensee, or invitee to comply with any provision of  
779 the declaration, the association bylaws, or reasonable rules of  
780 the association unless otherwise provided in the governing  
781 documents. A fine may be levied by the board for each day of a  
782 continuing violation, with a single notice and opportunity for  
783 hearing, except that the fine may not exceed \$1,000 in the  
784 aggregate unless otherwise provided in the governing documents.  
785 A fine of less than \$1,000 may not become a lien against a  
786 parcel. In any action to recover a fine, the prevailing party is  
787 entitled to reasonable attorney fees and costs from the  
788 nonprevailing party as determined by the court.

789 (b) A fine or suspension levied by the board of  
790 administration may not be imposed unless the board first  
791 provides at least 14 days' written notice of the parcel owner's  
792 right to a hearing to the parcel owner at his or her designated  
793 mailing or e-mail address in the association's official records  
794 and, if applicable, to any occupant, licensee, or invitee of the  
795 parcel owner, sought to be fined or suspended. Such and a  
796 hearing must be held within 90 days after issuance of the notice  
797 before a committee of at least three members appointed by the  
798 board who are not officers, directors, or employees of the  
799 association, or the spouse, parent, child, brother, or sister of  
800 an officer, director, or employee. The committee may hold the



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CS/CS/HB 1203, Engrossed 1

2024 Legislature

801 hearing by telephone or other electronic means. The notice must  
802 include a description of the alleged violation; the specific  
803 action required to cure such violation, if applicable; and the  
804 hearing date, and location, and access information if held by  
805 telephone or other electronic means ~~of the hearing~~. A parcel  
806 owner has the right to attend a hearing by telephone or other  
807 electronic means.

808 (d) Within 7 days after the hearing, the committee shall  
809 provide written notice to the parcel owner at his or her  
810 designated mailing or e-mail address in the association's  
811 official records and, if applicable, any occupant, licensee, or  
812 invitee of the parcel owner, of the committee's findings related  
813 to the violation, including any applicable fines or suspensions  
814 that the committee approved or rejected, and how the parcel  
815 owner or any occupant, licensee, or invitee of the parcel owner  
816 may cure the violation, if applicable, or fulfill a suspension,  
817 or the date by which a fine must be paid.

818 (e) If a violation has been cured before the hearing or in  
819 the manner specified in the written notice required in paragraph  
820 (b) or paragraph (d), a fine or suspension may not be imposed.

821 ~~(f)-(e)~~ If a violation is not cured and the proposed fine  
822 or suspension levied by the board is approved by the committee  
823 by a majority vote, the committee must set a date by which the  
824 fine must be paid, which date must be at least 30 days after  
825 delivery of the written notice required in paragraph (d).

ENROLLED

CS/CS/HB 1203, Engrossed 1

2024 Legislature

826 Attorney fees and costs may not be awarded against the parcel  
 827 owner based on actions taken by the board before the date set  
 828 for the fine to be paid.

829 (g) If a violation and the proposed fine or suspension  
 830 levied by the board is approved by the committee and the  
 831 violation is not cured or the fine is not paid per the written  
 832 notice required in paragraph (d), reasonable attorney fees and  
 833 costs may be awarded to the association. Attorney fees and costs  
 834 may not begin to accrue until after the date noticed for payment  
 835 under paragraph (d) and the time for an appeal has expired.

836 (7) Notwithstanding any provision to the contrary in an  
 837 association's governing documents, an association may not levy a  
 838 fine or impose a suspension for any of the following:

839 (a) Leaving garbage receptacles at the curb or end of the  
 840 driveway within 24 hours before or after the designated garbage  
 841 collection day or time.

842 (b) Leaving holiday decorations or lights on a structure  
 843 or other improvement on a parcel longer than indicated in the  
 844 governing documents, unless such decorations or lights are left  
 845 up for longer than 1 week after the association provides written  
 846 notice of the violation to the parcel owner ~~fine payment is due~~  
 847 ~~5 days after notice of the approved fine required under~~  
 848 ~~paragraph (d) is provided to the parcel owner and, if~~  
 849 ~~applicable, to any occupant, licensee, or invitee of the parcel~~  
 850 ~~owner. The association must provide written notice of such fine~~

ENROLLED

CS/CS/HB 1203, Engrossed 1

2024 Legislature

851 ~~or suspension by mail or hand delivery to the parcel owner and,~~  
 852 ~~if applicable, to any occupant, licensee, or invitee of the~~  
 853 ~~parcel owner.~~

854 Section 8. Section 720.3065, Florida Statutes, is amended  
 855 to read:

856 720.3065 Fraudulent voting activities relating to  
 857 association elections; penalties.—

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

862 (a)~~(1)~~ Willfully and falsely swearing to or affirming an  
 863 oath or affirmation, or willfully procuring another person to  
 864 falsely swear to or affirm an oath or affirmation, in connection  
 865 with or arising out of voting activities.

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

869 (c)~~(3)~~ Preventing a member from voting or preventing a  
 870 member from voting as he or she intended by fraudulently  
 871 changing or attempting to change a ballot, ballot envelope,  
 872 vote, or voting certificate of the member.

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

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CS/CS/HB 1203, Engrossed 1

2024 Legislature

876 (e)~~(5)~~ Giving or promising, directly or indirectly,  
 877 anything of value to another member with the intent to buy the  
 878 vote of that member or another member or to corruptly influence  
 879 that member or another member in casting his or her vote. This  
 880 paragraph ~~subsection~~ does not apply to any food served which is  
 881 to be consumed at an election rally or a meeting or to any item  
 882 of nominal value which is used as an election advertisement,  
 883 including a campaign message designed to be worn by a member.

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

889 (2) Each of the following acts constitutes a misdemeanor  
 890 of the first degree, punishable as provided in s. 775.082 or s.  
 891 775.083:

892 (a) Knowingly aiding, abetting, or advising a person in  
 893 the commission of a fraudulent voting activity related to  
 894 association elections.

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

898 (c) Having knowledge of a fraudulent voting activity  
 899 related to association elections and giving any aid to the  
 900 offender with intent that the offender avoid or escape

ENROLLED

CS/CS/HB 1203, Engrossed 1

2024 Legislature

901 detection, arrest, trial, or punishment.

902

903 This subsection does not apply to a licensed attorney giving  
 904 legal advice to a client.

905 Section 9. Subsection (3) of section 720.3075, Florida  
 906 Statutes, is amended, and paragraph (c) is added to subsection  
 907 (4) of that section, to read:

908 720.3075 Prohibited clauses in association documents.—

909 (3) Homeowners' association documents, including  
 910 declarations of covenants, articles of incorporation, or bylaws,  
 911 may not preclude:

912 (a) The display of up to two portable, removable flags as  
 913 described in s. 720.304(2)(a) by property owners. However, all  
 914 flags must be displayed in a respectful manner consistent with  
 915 the requirements for the United States flag under 36 U.S.C.  
 916 chapter 10.

917 (b) A property owner or a tenant, a guest, or an invitee  
 918 of the property owner from parking his or her personal vehicle,  
 919 including a pickup truck, in the property owner's driveway, or  
 920 in any other area at which the property owner or the property  
 921 owner's tenant, guest, or invitee has a right to park as  
 922 governed by state, county, and municipal regulations. The  
 923 homeowners' association documents, including declarations of  
 924 covenants, articles of incorporation, or bylaws, may not  
 925 prohibit, regardless of any official insignia or visible

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CS/CS/HB 1203, Engrossed 1

2024 Legislature

926 designation, a property owner or a tenant, a guest, or an  
 927 invitee of the property owner from parking his or her work  
 928 vehicle, which is not a commercial motor vehicle as defined in  
 929 s. 320.01(25), in the property owner's driveway.

930 (c) A property owner from inviting, hiring, or allowing  
 931 entry to a contractor or worker on the owner's parcel solely  
 932 because the contractor or worker is not on a preferred vendor  
 933 list of the association. Additionally, homeowners' association  
 934 documents may not preclude a property owner from inviting,  
 935 hiring, or allowing entry to a contractor or worker on his or  
 936 her parcel solely because the contractor or worker does not have  
 937 a professional or an occupational license. The association may  
 938 not require a contractor or worker to present or prove  
 939 possession of a professional or an occupational license to be  
 940 allowed entry onto a property owner's parcel.

941 (d) Operating a vehicle that is not a commercial motor  
 942 vehicle as defined in s. 320.01(25) in conformance with state  
 943 traffic laws, on public roads or rights-of-way or the property  
 944 owner's parcel.

945 Section 10. Subsection (3) of section 720.3085, Florida  
 946 Statutes, are amended to read:

947 720.3085 Payment for assessments; lien claims.—

948 (3) Assessments and installments on assessments that are  
 949 not paid when due bear interest from the due date until paid at  
 950 the rate provided in the declaration of covenants or the bylaws

ENROLLED

CS/CS/HB 1203, Engrossed 1

2024 Legislature

951 of the association, which rate may not exceed the rate allowed  
 952 by law. If no rate is provided in the declaration or bylaws,  
 953 simple interest accrues at the rate of 18 percent per year.  
 954 Notwithstanding the declaration or bylaws, compound interest may  
 955 not accrue on assessments and installments on assessments that  
 956 are not paid when due.

957 (a) If the declaration or bylaws so provide, the  
 958 association may also charge an administrative late fee not to  
 959 exceed the greater of \$25 or 5 percent of the amount of each  
 960 installment that is paid past the due date.

961 (b) Any payment received by an association and accepted  
 962 shall be applied first to any interest accrued, then to any  
 963 administrative late fee, then to any costs and reasonable  
 964 attorney fees incurred in collection, and then to the delinquent  
 965 assessment. This paragraph applies notwithstanding any  
 966 restrictive endorsement, designation, or instruction placed on  
 967 or accompanying a payment. A late fee is not subject to the  
 968 provisions of chapter 687 and is not a fine. The foregoing is  
 969 applicable notwithstanding s. 673.3111, any purported accord and  
 970 satisfaction, or any restrictive endorsement, designation, or  
 971 instruction placed on or accompanying a payment. The preceding  
 972 sentence is intended to clarify existing law.

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

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CS/CS/HB 1203, Engrossed 1

2024 Legislature

976 assessments or the parcel's statement of account must be  
 977 delivered to the parcel owner by first-class United States mail  
 978 or by electronic transmission to the parcel owner's e-mail  
 979 address maintained in the association's official records.

980 2. Before changing the method of delivery for an invoice  
 981 for assessments or the statement of the account, the association  
 982 must deliver a written notice of such change to each parcel  
 983 owner. The written notice must be delivered to the parcel owner  
 984 at least 30 days before the association sends the invoice for  
 985 assessments or the statement of the account by the new delivery  
 986 method. The notice must be sent by first-class United States  
 987 mail to the owner at his or her last address as reflected in the  
 988 association's records and, if such address is not the parcel  
 989 address, must be sent by first-class United States mail to the  
 990 parcel address. Notice is deemed to have been delivered upon  
 991 mailing as required by this subparagraph.

992 3. A parcel owner must affirmatively acknowledge his or  
 993 her understanding that the association will change its method of  
 994 delivery of the invoice for assessments or the statement of the  
 995 account before the association may change the method of  
 996 delivering an invoice for assessments or the statement of  
 997 account. The parcel owner may make the affirmative  
 998 acknowledgment electronically or in writing.

999 (d) An association may not require payment of attorney  
 1000 fees related to a past due assessment without first delivering a



ENROLLED

CS/CS/HB 1203, Engrossed 1

2024 Legislature

1001 written notice of late assessment to the parcel owner which  
 1002 specifies the amount owed the association and provides the  
 1003 parcel owner an opportunity to pay the amount owed without the  
 1004 assessment of attorney fees. The notice of late assessment must  
 1005 be sent by first-class United States mail to the owner at his or  
 1006 her last address as reflected in the association's records and,  
 1007 if such address is not the parcel address, must also be sent by  
 1008 first-class United States mail to the parcel address. Notice is  
 1009 deemed to have been delivered upon mailing as required by this  
 1010 paragraph. A rebuttable presumption that an association mailed a  
 1011 notice in accordance with this paragraph is established if a  
 1012 board member, officer, or agent of the association, or a manager  
 1013 licensed under part VIII of chapter 468, provides a sworn  
 1014 affidavit attesting to such mailing. The notice must be in  
 1015 substantially the following form:

1016  
 1017 NOTICE OF LATE ASSESSMENT

1018 RE: Parcel .... of ... (name of association) ...

1019 The following amounts are currently due on your  
 1020 account to ... (name of association) ..., and must be  
 1021 paid within 30 days after the date of this letter.

1022 This letter shall serve as the association's notice to  
 1023 proceed with further collection action against your  
 1024 property no sooner than 30 days after the date of this  
 1025 letter, unless you pay in full the amounts set forth

ENROLLED

CS/CS/HB 1203, Engrossed 1

2024 Legislature

1026 below:  
 1027 Maintenance due ...(dates)... \$.  
 1028 Late fee, if applicable \$.  
 1029 Interest through ...(dates)...\* \$.  
 1030 TOTAL OUTSTANDING \$.  
 1031 \*Interest accrues at the rate of .... percent per  
 1032 annum.

1033  
 1034 Section 11. Section 720.317, Florida Statutes, is amended  
 1035 to read:

1036 720.317 Electronic voting.—

1037 (1) The association may conduct elections and other  
 1038 membership votes through an Internet-based online voting system  
 1039 if a member consents, electronically or in writing, to online  
 1040 voting and if the following requirements are met:

1041 (a)~~(1)~~ The association provides each member with:

1042 1.~~(a)~~ A method to authenticate the member's identity to  
 1043 the online voting system.

1044 2.~~(b)~~ A method to confirm, at least 14 days before the  
 1045 voting deadline, that the member's electronic device can  
 1046 successfully communicate with the online voting system.

1047 3.~~(c)~~ A method that is consistent with the election and  
 1048 voting procedures in the association's bylaws.

1049 (b)~~(2)~~ The association uses an online voting system that  
 1050 is:

ENROLLED

CS/CS/HB 1203, Engrossed 1

2024 Legislature

1051            1.~~(a)~~ Able to authenticate the member's identity.

1052            2.~~(b)~~ Able to authenticate the validity of each electronic

1053 vote to ensure that the vote is not altered in transit.

1054            3.~~(c)~~ Able to transmit a receipt from the online voting

1055 system to each member who casts an electronic vote.

1056            4.~~(d)~~ Able to permanently separate any authentication or

1057 identifying information from the electronic election ballot,

1058 rendering it impossible to tie an election ballot to a specific

1059 member. This subparagraph ~~paragraph~~ only applies if the

1060 association's bylaws provide for secret ballots for the election

1061 of directors.

1062            5.~~(e)~~ Able to store and keep electronic ballots accessible

1063 to election officials for recount, inspection, and review

1064 purposes.

1065            (2)~~(3)~~ A member voting electronically pursuant to this

1066 section shall be counted as being in attendance at the meeting

1067 for purposes of determining a quorum.

1068            (3)~~(4)~~ This section applies to an association that

1069 provides for and authorizes an online voting system pursuant to

1070 this section by a board resolution. The board resolution must

1071 provide that members receive notice of the opportunity to vote

1072 through an online voting system, must establish reasonable

1073 procedures and deadlines for members to consent, electronically

1074 or in writing, to online voting, and must establish reasonable

1075 procedures and deadlines for members to opt out of online voting

ENROLLED

CS/CS/HB 1203, Engrossed 1

2024 Legislature

1076 after giving consent. Written notice of a meeting at which the  
 1077 board resolution regarding online voting will be considered must  
 1078 be mailed, delivered, or electronically transmitted to the unit  
 1079 owners and posted conspicuously on the condominium property or  
 1080 association property at least 14 days before the meeting.

1081 Evidence of compliance with the 14-day notice requirement must  
 1082 be made by an affidavit executed by the person providing the  
 1083 notice and filed with the official records of the association.

1084 ~~(4)-(5)~~ A member's consent to online voting is valid until  
 1085 the member opts out of online voting pursuant to the procedures  
 1086 established by the board of administration under subsection (3)  
 1087 ~~pursuant to subsection (4).~~

1088 ~~(5)-(6)~~ This section may apply to any matter that requires  
 1089 a vote of the members.

1090 Section 12. Section 720.318, Florida Statutes, is amended  
 1091 to read:

1092 720.318 First responder ~~Law enforcement~~ vehicles.—An  
 1093 association may not prohibit a first responder ~~law enforcement~~  
 1094 ~~officer~~, as defined in s. 112.1815(1) ~~s. 943.10(1)~~, who is a  
 1095 parcel owner, or who is a tenant, guest, or invitee of a parcel  
 1096 owner, from parking his or her assigned first responder ~~law~~  
 1097 ~~enforcement~~ vehicle in an area where the parcel owner, or the  
 1098 tenant, guest, or invitee of the parcel owner, otherwise has a  
 1099 right to park, including on public roads or rights-of-way.

1100 Section 13. This act shall take effect July 1, 2024.