



730426

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/15/2024	.	
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The Committee on Rules (Bradley) recommended the following:

Senate Amendment (with title amendment)

Delete lines 153 - 564

and insert:

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

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



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12 (4) OFFICIAL RECORDS.—

13 (a) The association shall maintain each of the following
14 items, when applicable, for at least 7 years, unless the
15 governing documents of the association require a longer period
16 of time, which constitute the official records of the
17 association:

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

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

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

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

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

30 6.(f) The minutes of all meetings of the board of directors
31 and of the members, ~~which minutes must be retained for at least~~
32 ~~7 years.~~

33 7.(g) A current roster of all members and their designated
34 mailing addresses and parcel identifications. A member's
35 designated mailing address is the member's property address,
36 unless the member has sent written notice to the association
37 requesting that a different mailing address be used for all
38 required notices. The association shall also maintain the e-mail
39 addresses and the facsimile numbers designated by members for
40 receiving notice sent by electronic transmission of those



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41 members consenting to receive notice by electronic transmission.
42 A member's e-mail address is the e-mail address the member
43 provided when consenting in writing to receiving notice by
44 electronic transmission, unless the member has sent written
45 notice to the association requesting that a different e-mail
46 address be used for all required notices. The e-mail addresses
47 and facsimile numbers provided by members to receive notice by
48 electronic transmission must be removed from association records
49 when the member revokes consent to receive notice by electronic
50 transmission. However, the association is not liable for an
51 erroneous disclosure of the e-mail address or the facsimile
52 number for receiving electronic transmission of notices.

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

55 ~~9.(i)~~ A current copy of all contracts to which the
56 association is a party, including, without limitation, any
57 management agreement, lease, or other contract under which the
58 association has any obligation or responsibility. Bids received
59 by the association for work to be performed are ~~must also be~~
60 considered official records and must be kept for a period of 1
61 year.

62 ~~10.(j)~~ The financial and accounting records of the
63 association, kept according to good accounting practices. ~~All~~
64 ~~financial and accounting records must be maintained for a period~~
65 ~~of at least 7 years.~~ The financial and accounting records must
66 include:

67 ~~a.1.~~ Accurate, itemized, and detailed records of all
68 receipts and expenditures.

69 ~~b.2.~~ A current account and a periodic statement of the



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70 account for each member, designating the name and current
71 address of each member who is obligated to pay assessments, the
72 due date and amount of each assessment or other charge against
73 the member, the date and amount of each payment on the account,
74 and the balance due.

75 ~~c.3.~~ All tax returns, financial statements, and financial
76 reports of the association.

77 ~~d.4.~~ Any other records that identify, measure, record, or
78 communicate financial information.

79 ~~11.(*)~~ A copy of the disclosure summary described in s.
80 720.401(1).

81 ~~12.(1)~~ Ballots, sign-in sheets, voting proxies, and all
82 other papers and electronic records relating to voting by parcel
83 owners, which must be maintained for at least 1 year after the
84 date of the election, vote, or meeting.

85 ~~13.(m)~~ All affirmative acknowledgments made pursuant to s.
86 720.3085(3)(c)3.

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

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

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



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99 owners and employees of the association.

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

102 a. The articles of incorporation of the association and
103 each amendment thereto.

104 b. The recorded bylaws of the association and each
105 amendment thereto.

106 c. The declaration of covenants and a copy of each
107 amendment thereto.

108 d. The current rules of the association.

109 e. A list of all current executory contracts or documents
110 to which the association is a party or under which the
111 association or the unit owners have an obligation or
112 responsibility and, after bidding for the related materials,
113 equipment, or services has closed, a list of bids received by
114 the association within the past year.

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

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

120 h. The association's current insurance policies.

121 i. The certification of each director required by s.
122 720.3033(1) (a).

123 j. All contracts or transactions between the association
124 and any director, officer, corporation, firm, or association
125 that is not an affiliated homeowners' association or any other
126 entity in which an association director is also a director or
127 officer and financially interested.



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128 k. Any contract or document regarding a conflict of
129 interest or possible conflict of interest as provided in ss.
130 468.436(2)(b)6. and 720.3033(2).

131 l. Notice of any meeting of members and the agenda for the
132 meeting, as required by s. 720.306, no later than 14 days before
133 the meeting. The notice must be posted in plain view on the
134 homepage of the website or application, or on a separate subpage
135 of the website or application labeled "Notices" which is
136 conspicuously visible and linked from the homepage. The
137 association must also post on its website or application any
138 document to be considered and voted on by the owners during the
139 meeting or any document listed on the agenda at least 7 days
140 before the meeting at which the document or the information
141 within the document will be considered.

142 m. Notice of any board meeting, the agenda, and any other
143 document required for the meeting as required by subsection (3),
144 which must be posted no later than the date required for notice
145 under subsection (3).

146 4. Upon written request by a parcel owner, the association
147 must provide the parcel owner with a username and password and
148 access to the protected sections of the association's website or
149 application which contains the official documents of the
150 association.

151 5. The association shall ensure that the information and
152 records described in paragraph (5)(d) which are not allowed to
153 be accessible to parcel owners are not posted on the
154 association's website or application. If protected information
155 or information restricted from being accessible to parcel owners
156 is included in documents that are required to be posted on the



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157 association's website or application, the association must
158 ensure the information is redacted before posting the documents.
159 Notwithstanding the foregoing, the association or its authorized
160 agent is not liable for disclosing information that is protected
161 or restricted under paragraph (5) (d) unless such disclosure was
162 made with a knowing or intentional disregard of the protected or
163 restricted nature of such information.

164 (c) The association shall adopt written rules governing the
165 method or policy by which the official records of the
166 association are to be retained and for how long such records
167 must be retained pursuant to paragraph (a). Such information
168 must be made available to the parcel owners through the
169 association's website or application.

170 (5) INSPECTION AND COPYING OF RECORDS.—

171 (a) Unless otherwise provided by law or the governing
172 documents of the association, the official records shall be
173 maintained within the state for at least 7 years and ~~must shall~~
174 be made available to a parcel owner for inspection or
175 photocopying within 45 miles of the community or within the
176 county in which the association is located within 10 business
177 days after receipt by the board or its designee of a written
178 request. This subsection may be complied with by having a copy
179 of the official records available for inspection or copying in
180 the community or, at the option of the association, by making
181 the records available to a parcel owner electronically via the
182 Internet or by allowing the records to be viewed in electronic
183 format on a computer screen and printed upon request. If the
184 association has a photocopy machine available where the records
185 are maintained, it must provide parcel owners with copies on



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186 request during the inspection if the entire request is limited
187 to no more than 25 pages. An association shall allow a member or
188 his or her authorized representative to use a portable device,
189 including a smartphone, tablet, portable scanner, or any other
190 technology capable of scanning or taking photographs, to make an
191 electronic copy of the official records in lieu of the
192 association's providing the member or his or her authorized
193 representative with a copy of such records. The association may
194 not charge a fee to a member or his or her authorized
195 representative for the use of a portable device.

196 (b) ~~(a)~~ The failure of an association to provide access to
197 the records within 10 business days after receipt of a written
198 request submitted by certified mail, return receipt requested,
199 creates a rebuttable presumption that the association willfully
200 failed to comply with this subsection.

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

207 (d) Any director or member of the board or association or a
208 community association manager who knowingly, willfully, and
209 repeatedly violates paragraph (a), with the intent of causing
210 harm to the association or one or more of its members, commits a
211 misdemeanor of the second degree, punishable as provided in s.
212 775.082 or s. 775.083. For purposes of this paragraph, the term
213 "repeatedly" means two or more violations within a 12-month
214 period.



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215 (e) Any person who knowingly and intentionally defaces or
216 destroys accounting records during the period in which such
217 records are required to be maintained, or who knowingly or
218 intentionally fails to create or maintain accounting records
219 that are required to be created or maintained, with the intent
220 of causing harm to the association or one or more of its
221 members, commits a misdemeanor of the first degree, punishable
222 as provided in s. 775.082 or s. 775.083.

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

229 (g)~~(e)~~ The association may adopt reasonable written rules
230 governing the frequency, time, location, notice, records to be
231 inspected, and manner of inspections, but may not require a
232 parcel owner to demonstrate any proper purpose for the
233 inspection, state any reason for the inspection, or limit a
234 parcel owner's right to inspect records to less than one 8-hour
235 business day per month. The association may impose fees to cover
236 the costs of providing copies of the official records, including
237 the costs of copying and the costs required for personnel to
238 retrieve and copy the records if the time spent retrieving and
239 copying the records exceeds one-half hour and if the personnel
240 costs do not exceed \$20 per hour. Personnel costs may not be
241 charged for records requests that result in the copying of 25 or
242 fewer pages. The association may charge up to 25 cents per page
243 for copies made on the association's photocopier. If the



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244 association does not have a photocopy machine available where
245 the records are kept, or if the records requested to be copied
246 exceed 25 pages in length, the association may have copies made
247 by an outside duplicating service and may charge the actual cost
248 of copying, as supported by the vendor invoice. The association
249 shall maintain an adequate number of copies of the recorded
250 governing documents, to ensure their availability to members and
251 prospective members. Notwithstanding this paragraph, the
252 following records are not accessible to members or parcel
253 owners:

254 1. Any record protected by the lawyer-client privilege as
255 described in s. 90.502 and any record protected by the work-
256 product privilege, including, but not limited to, a record
257 prepared by an association attorney or prepared at the
258 attorney's express direction which reflects a mental impression,
259 conclusion, litigation strategy, or legal theory of the attorney
260 or the association and which was prepared exclusively for civil
261 or criminal litigation or for adversarial administrative
262 proceedings or which was prepared in anticipation of such
263 litigation or proceedings until the conclusion of the litigation
264 or proceedings.

265 2. Information obtained by an association in connection
266 with the approval of the lease, sale, or other transfer of a
267 parcel.

268 3. Information an association obtains in a gated community
269 in connection with guests' visits to parcel owners or community
270 residents.

271 4. Personnel records of association or management company
272 employees, including, but not limited to, disciplinary, payroll,



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273 health, and insurance records. For purposes of this
274 subparagraph, the term "personnel records" does not include
275 written employment agreements with an association or management
276 company employee or budgetary or financial records that indicate
277 the compensation paid to an association or management company
278 employee.

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

280 6. Social security numbers, driver license numbers, credit
281 card numbers, electronic mailing addresses, telephone numbers,
282 facsimile numbers, emergency contact information, any addresses
283 for a parcel owner other than as provided for association notice
284 requirements, and other personal identifying information of any
285 person, excluding the person's name, parcel designation, mailing
286 address, and property address. Notwithstanding the restrictions
287 in this subparagraph, an association may print and distribute to
288 parcel owners a directory containing the name, parcel address,
289 and all telephone numbers of each parcel owner. However, an
290 owner may exclude his or her telephone numbers from the
291 directory by so requesting in writing to the association. An
292 owner may consent in writing to the disclosure of other contact
293 information described in this subparagraph. The association is
294 not liable for the disclosure of information that is protected
295 under this subparagraph if the information is included in an
296 official record of the association and is voluntarily provided
297 by an owner and not requested by the association.

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

300 8. The software and operating system used by the
301 association which allows the manipulation of data, even if the



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302 owner owns a copy of the same software used by the association.
303 The data is part of the official records of the association.

304 9. All affirmative acknowledgments made pursuant to s.
305 720.3085(3)(c)3.

306 (h) ~~(d)~~ The association or its authorized agent is not
307 required to provide a prospective purchaser or lienholder with
308 information about the residential subdivision or the association
309 other than information or documents required by this chapter to
310 be made available or disclosed. The association or its
311 authorized agent may charge a reasonable fee to the prospective
312 purchaser or lienholder or the current parcel owner or member
313 for providing good faith responses to requests for information
314 by or on behalf of a prospective purchaser or lienholder, other
315 than that required by law, if the fee does not exceed \$150 plus
316 the reasonable cost of photocopying and any attorney fees
317 incurred by the association in connection with the response.

318 (i) If an association receives a subpoena for records from
319 a law enforcement agency, the association must provide a copy of
320 such records or otherwise make the records available for
321 inspection and copying to a law enforcement agency within 5
322 business days after receipt of the subpoena, unless otherwise
323 specified by the law enforcement agency or subpoena. An
324 association must assist a law enforcement agency in its
325 investigation to the extent permissible by law.

326 (6) BUDGETS.—

327 (f) After one or more reserve accounts are established, the
328 membership of the association, upon a majority vote at a meeting
329 at which a quorum is present, may provide for no reserves or
330 less reserves than required by this section. If a meeting of the



331 parcel unit owners has been called to determine whether to waive
332 or reduce the funding of reserves and such result is not
333 achieved or a quorum is not present, the reserves as included in
334 the budget go into effect. After the turnover, the developer may
335 vote its voting interest to waive or reduce the funding of
336 reserves. Any vote taken pursuant to this subsection to waive or
337 reduce reserves is applicable only to one budget year.

338 (7) FINANCIAL REPORTING.—Within 90 days after the end of
339 the fiscal year, or annually on the date provided in the bylaws,
340 the association shall prepare and complete, or contract with a
341 third party for the preparation and completion of, a financial
342 report for the preceding fiscal year. Within 21 days after the
343 final financial report is completed by the association or
344 received from the third party, but not later than 120 days after
345 the end of the fiscal year or other date as provided in the
346 bylaws, the association shall, within the time limits set forth
347 in subsection (5), provide each member with a copy of the annual
348 financial report or a written notice that a copy of the
349 financial report is available upon request at no charge to the
350 member. Financial reports shall be prepared as follows:

351 (a) An association that meets the criteria of this
352 paragraph shall prepare or cause to be prepared a complete set
353 of financial statements in accordance with generally accepted
354 accounting principles as adopted by the Board of Accountancy.
355 The financial statements shall be based upon the association's
356 total annual revenues, as follows:

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



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360 2. An association with total annual revenues of at least
361 \$300,000, but less than \$500,000, shall prepare reviewed
362 financial statements.

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

365 4. An association with 1,000 or more parcels shall prepare
366 audited financial statements, notwithstanding the association's
367 total annual revenues.

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

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

373 2. A report of cash receipts and expenditures or a compiled
374 financial statement in lieu of a reviewed or audited financial
375 statement; or

376 3. A report of cash receipts and expenditures, a compiled
377 financial statement, or a reviewed financial statement in lieu
378 of an audited financial statement.

379
380 An association may not prepare a financial statement pursuant to
381 this paragraph for consecutive fiscal years.

382 (13) DEBIT CARDS.—

383 (a) An association and its officers, directors, employees,
384 and agents may not use a debit card issued in the name of the
385 association, or billed directly to the association, for the
386 payment of any association expense.

387 (b) A person who uses a debit card issued in the name of
388 the association, or billed directly to the association, for any



389 expense that is not a lawful obligation of the association
390 commits theft under s. 812.014.

391
392 For the purposes of this subsection, the term "lawful obligation
393 of the association" means an obligation that has been properly
394 preapproved by the board and is reflected in the meeting minutes
395 or the written budget.

396 Section 4. Subsections (1), (3), and (4) of section
397 720.3033, Florida Statutes, are amended to read:

398 720.3033 Officers and directors.-

399 (1) (a) Within 90 days after being elected or appointed to
400 the board, each ~~director shall certify in writing to the~~
401 ~~secretary of the association that he or she has read the~~
402 ~~association's declaration of covenants, articles of~~
403 ~~incorporation, bylaws, and current written rules and policies;~~
404 ~~that he or she will work to uphold such documents and policies~~
405 ~~to the best of his or her ability; and that he or she will~~
406 ~~faithfully discharge his or her fiduciary responsibility to the~~
407 ~~association's members. Within 90 days after being elected or~~
408 ~~appointed to the board, in lieu of such written certification,~~
409 ~~the newly elected or appointed director must may submit a~~
410 certificate of having satisfactorily completed the educational
411 curriculum administered by a department-approved, division-
412 approved education provider.

413 1. The newly elected or appointed director must complete
414 the department-approved education for newly elected or appointed
415 directors within 90 days after being elected or appointed.

416 2. The certificate of completion is valid for a maximum of
417 4 years.



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

420 4. The department-approved educational curriculum specific
421 to newly elected or appointed directors must include training
422 relating to financial literacy and transparency, recordkeeping,
423 levying of fines, and notice and meeting requirements.

424 5. In addition to the educational curriculum specific to
425 newly elected or appointed directors:

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

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

433 ~~(b) The written certification or educational certificate is~~
434 ~~valid for the uninterrupted tenure of the director on the board.~~
435 A director who does not timely file the ~~written certification or~~
436 ~~educational certificate~~ is shall be suspended from the board
437 until he or she complies with the requirement. The board may
438 temporarily fill the vacancy during the period of suspension.

439 (c) The association shall retain each director's ~~written~~
440 ~~certification or~~ educational certificate for inspection by the
441 members for 5 years after the director's election. However, the
442 failure to have the written certification or educational
443 certificate on file does not affect the validity of any board
444 action.

445 (d) The department shall adopt rules to implement and
446 administer the educational curriculum and continuing education



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447 requirements under this subsection.

448 (3) An officer, a director, or a manager may not solicit,
449 offer to accept, or accept a kickback. As used in this
450 subsection, the term "kickback" means any thing or service of
451 value for which consideration has not been provided for an
452 officer's, a director's, or a manager's ~~his or her~~ benefit or
453 for the benefit of a member of his or her immediate family from
454 any person providing or proposing to provide goods or services
455 to the association. An officer, a director, or a manager who
456 knowingly solicits, offers to accept, or accepts a any thing or
457 ~~service of value or~~ kickback commits a felony of the third
458 degree, punishable as provided in s. 775.082, s. 775.083, or s.
459 775.084, and ~~for which consideration has not been provided for~~
460 ~~his or her own benefit or that of his or her immediate family~~
461 ~~from any person providing or proposing to provide goods or~~
462 ~~services to the association~~ is subject to monetary damages under
463 s. 617.0834. ~~If the board finds that an officer or a director~~
464 ~~has violated this subsection, the board shall immediately remove~~
465 ~~the officer or director from office.~~ The

466
467 ===== T I T L E A M E N D M E N T =====

468 And the title is amended as follows:

469 Delete lines 14 - 61

470 and insert:

471 association to maintain certain documents for a
472 specified timeframe; requiring certain associations to
473 post certain documents on their website or make them
474 available through an application on a mobile device;
475 providing construction; requiring an association to



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476 provide certain information to parcel owners upon
477 written request; requiring an association to ensure
478 certain information and records are not accessible on
479 the website or application; providing that an
480 association or its agent is not liable for the
481 disclosure of certain information; requiring an
482 association to adopt certain rules; providing criminal
483 penalties for directors or members of the board or
484 association and community association managers who
485 knowingly, willfully, and repeatedly fail to maintain
486 and make available specific records; defining the term
487 "repeatedly"; providing criminal penalties for persons
488 who knowingly and intentionally deface or destroy, or
489 intentionally fail to maintain, specified accounting
490 records; providing criminal penalties for persons who
491 willfully and intentionally refuse to release certain
492 records for specific purposes; requiring an
493 association to provide or make available subpoenaed
494 records within a certain timeframe; requiring an
495 association to assist in a law enforcement
496 investigation as allowed by law; requiring certain
497 associations to prepare audited financial statements;
498 prohibiting an association from preparing financial
499 statements for consecutive fiscal years; prohibiting
500 an association and its officers, directors, employees,
501 and agents from using a debit card issued in the name
502 of the association; providing that persons who violate
503 such prohibition commit theft under s. 812.014, F.S.,
504 punishable as provided in that section; defining the



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505 term "lawful obligation of the association"; making
506 technical changes; amending s. 720.3033, F.S.;
507 deleting a requirement that a director certify in
508 writing to the secretary of the association that he or
509 she has read certain documents; requiring newly
510 elected or appointed directors to complete certain
511 educational curriculum approved by the department
512 within a certain time period; requiring a director to
513 retake the educational curriculum after a certain time
514 period; providing subject matter for the educational
515 curriculum; requiring certain directors of an
516 association to annually complete a minimum amount of
517 continuing education; requiring the department to
518 adopt rules; prohibiting officers, directors, or
519 managers of an association from soliciting, offering
520 to accept, or accepting a kickback; defining the term
521 "kickback"; providing criminal penalties for officers,
522 directors, and managers of an association who accept
523 bribes or kickbacks; making