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LEGISLATIVE ACTION

Senate

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House

The Committee on Rules (Bradley) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsections (1) and (5) of section 720.303,
Florida Statutes, are amended, and subsections (13) and (14) are
added to that section, to read:

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

(1) POWERS AND DUTIES.—An association that ~~which~~ operates a



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12 community as defined in s. 720.301, must be operated by an
13 association that is a Florida corporation. After October 1,
14 1995, the association must be incorporated and the initial
15 governing documents must be recorded in the official records of
16 the county in which the community is located. An association may
17 operate more than one community. The officers and directors of
18 an association are subject to s. 617.0830 and have a fiduciary
19 relationship to the members who are served by the association.
20 The powers and duties of an association include those set forth
21 in this chapter and, except as expressly limited or restricted
22 in this chapter, those set forth in the governing documents.
23 After control of the association is obtained by members other
24 than the developer, the association may institute, maintain,
25 settle, or appeal actions or hearings in its name on behalf of
26 all members concerning matters of common interest to the
27 members, including, but not limited to, the common areas; roof
28 or structural components of a building, or other improvements
29 for which the association is responsible; mechanical,
30 electrical, or plumbing elements serving an improvement or
31 building for which the association is responsible;
32 representations of the developer pertaining to any existing or
33 proposed commonly used facility; and protesting ad valorem taxes
34 on commonly used facilities. The association may defend actions
35 in eminent domain or bring inverse condemnation actions. Before
36 commencing litigation against any party in the name of the
37 association involving amounts in controversy in excess of
38 \$100,000, the association must obtain the affirmative approval
39 of a majority of the voting interests at a meeting of the
40 membership at which a quorum has been attained. This subsection



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41 does not limit any statutory or common-law right of any
42 individual member or class of members to bring any action
43 without participation by the association. A member does not have
44 authority to act for the association by virtue of being a
45 member. An association may have more than one class of members
46 and may issue membership certificates. An association of 15 or
47 fewer parcel owners may enforce only the requirements of those
48 deed restrictions established prior to the purchase of each
49 parcel upon an affected parcel owner or owners.

50 (5) INSPECTION AND COPYING OF RECORDS.—

51 (a) The official records shall be maintained within the
52 state for at least 7 years and shall be made available to a
53 parcel owner for inspection or photocopying within 45 miles of
54 the community or within the county in which the association is
55 located within 10 business days after receipt by the board or
56 its designee of a written request. This subsection may be
57 complied with by having a copy of the official records available
58 for inspection or copying in the community or, at the option of
59 the association, by making the records available to a parcel
60 owner electronically via the Internet or by allowing the records
61 to be viewed in electronic format on a computer screen and
62 printed upon request. If the association has a photocopy machine
63 available where the records are maintained, it must provide
64 parcel owners with copies on request during the inspection if
65 the entire request is limited to no more than 25 pages. An
66 association shall allow a member or his or her authorized
67 representative to use a portable device, including a smartphone,
68 tablet, portable scanner, or any other technology capable of
69 scanning or taking photographs, to make an electronic copy of



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70 the official records in lieu of the association's providing the
71 member or his or her authorized representative with a copy of
72 such records. The association may not charge a fee to a member
73 or his or her authorized representative for the use of a
74 portable device.

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

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

86 (d) Any director or member of the board or association or a
87 community association manager who knowingly, willfully, and
88 repeatedly violates paragraph (a), with the intent of causing
89 harm to the association or one or more of its members, commits a
90 misdemeanor of the second degree, punishable as provided in s.
91 775.082 or s. 775.083. For purposes of this paragraph, the term
92 "repeatedly" means two or more violations within a 12-month
93 period.

94 (e) Any person who knowingly and intentionally defaces or
95 destroys accounting records during a period in which such
96 accounting records are required by this chapter to be
97 maintained, or who knowingly or intentionally fails to create or
98 maintain accounting records that are required by this chapter to



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99 be created or maintained, with the intent of causing harm to the
100 association or one or more of its members, commits a misdemeanor
101 of the first degree, punishable as provided in s. 775.082 or s.
102 775.083.

103 (f) Any person who willfully and intentionally refuses to
104 release or otherwise produce association records with the intent
105 to avoid or escape detection, arrest, trial, or punishment for
106 the commission of a crime, or to assist another person with such
107 avoidance or escape, commits a felony of the third degree,
108 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

109 (g) ~~(e)~~ The association may adopt reasonable written rules
110 governing the frequency, time, location, notice, records to be
111 inspected, and manner of inspections, but may not require a
112 parcel owner to demonstrate any proper purpose for the
113 inspection, state any reason for the inspection, or limit a
114 parcel owner's right to inspect records to less than one 8-hour
115 business day per month. The association may impose fees to cover
116 the costs of providing copies of the official records, including
117 the costs of copying and the costs required for personnel to
118 retrieve and copy the records if the time spent retrieving and
119 copying the records exceeds one-half hour and if the personnel
120 costs do not exceed \$20 per hour. Personnel costs may not be
121 charged for records requests that result in the copying of 25 or
122 fewer pages. The association may charge up to 25 cents per page
123 for copies made on the association's photocopier. If the
124 association does not have a photocopy machine available where
125 the records are kept, or if the records requested to be copied
126 exceed 25 pages in length, the association may have copies made
127 by an outside duplicating service and may charge the actual cost



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128 of copying, as supported by the vendor invoice. The association
129 shall maintain an adequate number of copies of the recorded
130 governing documents, to ensure their availability to members and
131 prospective members. Notwithstanding this paragraph, the
132 following records are not accessible to members or parcel
133 owners:

134 1. Any record protected by the lawyer-client privilege as
135 described in s. 90.502 and any record protected by the work-
136 product privilege, including, but not limited to, a record
137 prepared by an association attorney or prepared at the
138 attorney's express direction which reflects a mental impression,
139 conclusion, litigation strategy, or legal theory of the attorney
140 or the association and which was prepared exclusively for civil
141 or criminal litigation or for adversarial administrative
142 proceedings or which was prepared in anticipation of such
143 litigation or proceedings until the conclusion of the litigation
144 or proceedings.

145 2. Information obtained by an association in connection
146 with the approval of the lease, sale, or other transfer of a
147 parcel.

148 3. Information an association obtains in a gated community
149 in connection with guests' visits to parcel owners or community
150 residents.

151 4. Personnel records of association or management company
152 employees, including, but not limited to, disciplinary, payroll,
153 health, and insurance records. For purposes of this
154 subparagraph, the term "personnel records" does not include
155 written employment agreements with an association or management
156 company employee or budgetary or financial records that indicate



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157 the compensation paid to an association or management company
158 employee.

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

160 6. Social security numbers, driver license numbers, credit
161 card numbers, electronic mailing addresses, telephone numbers,
162 facsimile numbers, emergency contact information, any addresses
163 for a parcel owner other than as provided for association notice
164 requirements, and other personal identifying information of any
165 person, excluding the person's name, parcel designation, mailing
166 address, and property address. Notwithstanding the restrictions
167 in this subparagraph, an association may print and distribute to
168 parcel owners a directory containing the name, parcel address,
169 and all telephone numbers of each parcel owner. However, an
170 owner may exclude his or her telephone numbers from the
171 directory by so requesting in writing to the association. An
172 owner may consent in writing to the disclosure of other contact
173 information described in this subparagraph. The association is
174 not liable for the disclosure of information that is protected
175 under this subparagraph if the information is included in an
176 official record of the association and is voluntarily provided
177 by an owner and not requested by the association.

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

180 8. The software and operating system used by the
181 association which allows the manipulation of data, even if the
182 owner owns a copy of the same software used by the association.
183 The data is part of the official records of the association.

184 9. All affirmative acknowledgments made pursuant to s.
185 720.3085(3)(c)3.



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186 (h) ~~(d)~~ The association or its authorized agent is not
187 required to provide a prospective purchaser or lienholder with
188 information about the residential subdivision or the association
189 other than information or documents required by this chapter to
190 be made available or disclosed. The association or its
191 authorized agent may charge a reasonable fee to the prospective
192 purchaser or lienholder or the current parcel owner or member
193 for providing good faith responses to requests for information
194 by or on behalf of a prospective purchaser or lienholder, other
195 than that required by law, if the fee does not exceed \$150 plus
196 the reasonable cost of photocopying and any attorney fees
197 incurred by the association in connection with the response.

198 (13) DEBIT CARDS.—

199 (a) An association and its officers, directors, employees,
200 and agents may not use a debit card issued in the name of the
201 association, or billed directly to the association, for the
202 payment of any association expense that is not a lawful
203 obligation of the association.

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

208
209 For the purposes of this subsection, the term "lawful obligation
210 of the association" means an obligation that has been properly
211 preapproved by the board and is reflected in the meeting minutes
212 or the written budget.

213 (14) REQUIREMENT TO PROVIDE AN ACCOUNTING.—A parcel owner
214 may make a written request to the board for a detailed



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215 accounting of any amounts he or she owes to the association, and
216 the board shall provide such information within 15 business days
217 after receipt of the written request. After the parcel owner
218 makes such a written request to the board, he or she may not ask
219 for another detailed accounting for at least 90 calendar days.
220 Failure by the board to respond within 15 business days to a
221 written request for a detailed accounting constitutes a complete
222 waiver of any outstanding fines owed by the parcel owner who
223 requested such an accounting which are more than 30 days past
224 due and for which the association has not given prior written
225 notice of the imposition of the fines.

226 Section 2. Subsection (3) and paragraph (a) of subsection
227 (4) of section 720.3033, Florida Statutes, are amended to read:
228 720.3033 Officers and directors.—

229 (3) An officer, a director, or a manager may not solicit,
230 offer to accept, or accept any thing or service of value for
231 which consideration has not been provided for his or her benefit
232 or for the benefit of a member of his or her immediate family
233 from any person providing or proposing to provide goods or
234 services to the association. An officer, a director, or a
235 manager who knowingly solicits, offers to accept, or accepts any
236 thing or service of value or kickback for which consideration
237 has not been provided for his or her own benefit or that of his
238 or her immediate family from any person providing or proposing
239 to provide goods or services to the association commits a felony
240 of the third degree, punishable as provided in s. 775.082, s.
241 775.083, or s. 775.084, and is subject to monetary damages under
242 s. 617.0834. ~~If the board finds that an officer or a director~~
243 ~~has violated this subsection, the board shall immediately remove~~



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244 ~~the officer or director from office.~~ The vacancy shall be filled
245 according to law until the end of the officer's or director's
246 term of office. However, an officer, a director, or a manager
247 may accept food to be consumed at a business meeting with a
248 value of less than \$25 per individual or a service or good
249 received in connection with trade fairs or education programs.

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

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

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

257 3. Destruction of or the refusal to allow inspection or
258 copying of an official record of a homeowners' association which
259 is accessible to parcel owners within the time periods required
260 by general law, in furtherance of any crime. Such act
261 constitutes tampering with physical evidence as provided in s.
262 918.13.

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

264 5. Any criminal violation under this chapter.

265 Section 3. Subsection (1) of section 720.3035, Florida
266 Statutes, is amended to read:

267 720.3035 Architectural control covenants; parcel owner
268 improvements; rights and privileges.—

269 (1) (a) The authority of an association or any
270 architectural, construction improvement, or other such similar
271 committee of an association to review and approve plans and
272 specifications for the location, size, type, or appearance of



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273 any structure or other improvement on a parcel, or to enforce
274 standards for the external appearance of any structure or
275 improvement located on a parcel, shall be permitted only to the
276 extent that the authority is specifically stated or reasonably
277 inferred as to such location, size, type, or appearance in the
278 declaration of covenants or other published guidelines and
279 standards authorized by the declaration of covenants.

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

283 1. Limits or places requirements on the interior of a
284 structure which is not visible from the parcel's frontage or an
285 adjacent parcel; or

286 2. Limits or places requirements for the exterior of a
287 structure relating to the plans and specifications for a central
288 air-conditioning, refrigeration, heating, or ventilating system
289 by the association or any architectural, construction
290 improvement, or other such similar committee of an association,
291 if such system is not visible from the parcel's frontage, an
292 adjacent parcel, an adjacent common area, or a community golf
293 course and is substantially similar to a system that is approved
294 or recommended by the association or a committee thereof.

295 Section 4. Section 720.3045, Florida Statutes, is amended
296 to read:

297 720.3045 Installation, display, and storage of items.—
298 Regardless of any covenants, restrictions, bylaws, rules, or
299 requirements of an association, and unless prohibited by general
300 law or local ordinance, an association may not restrict parcel
301 owners or their tenants from installing, displaying, or storing



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302 any items on a parcel which are not visible from the parcel's
303 frontage, ~~or~~ an adjacent parcel, an adjacent common area, or a
304 community golf course, including, but not limited to, artificial
305 turf, boats, flags, vegetable gardens, clotheslines, and
306 recreational vehicles.

307 Section 5. Subsections (1) and (2) of section 720.305,
308 Florida Statutes, are amended, and subsections (7) and (8) are
309 added to that section, to read:

310 720.305 Obligations of members; remedies at law or in
311 equity; levy of fines and suspension of use rights.—

312 (1) Each member and the member's tenants, guests, and
313 invitees, and each association, are governed by, and must comply
314 with, this chapter, the governing documents of the community,
315 and the rules of the association. Actions at law or in equity,
316 or both, to redress alleged failure or refusal to comply with
317 these provisions may be brought by the association or by any
318 member against:

319 (a) The association;

320 (b) A member;

321 (c) Any director or officer of an association who willfully
322 and knowingly fails to comply with these provisions; and

323 (d) Any tenants, guests, or invitees occupying a parcel or
324 using the common areas.

325
326 The prevailing party in any such litigation is entitled to
327 recover reasonable attorney fees and costs as provided in
328 subsection (2) ~~paragraph (2)(c)~~. A member prevailing in an
329 action between the association and the member under this
330 section, in addition to recovering his or her reasonable



331 attorney fees, may recover additional amounts as determined by
332 the court to be necessary to reimburse the member for his or her
333 share of assessments levied by the association to fund its
334 expenses of the litigation. This relief does not exclude other
335 remedies provided by law. This section does not deprive any
336 person of any other available right or remedy.

337 (2) An association may levy reasonable fines for violations
338 of the declaration, association bylaws, or reasonable rules of
339 the association. A fine may not exceed \$100 per violation
340 against any member or any member's tenant, guest, or invitee for
341 the failure of the owner of the parcel or its occupant,
342 licensee, or invitee to comply with any provision of the
343 declaration, the association bylaws, or reasonable rules of the
344 association unless otherwise provided in the governing
345 documents. A fine may be levied by the board for each day of a
346 continuing violation, with a single notice and opportunity for
347 hearing, except that the fine may not exceed \$1,000 in the
348 aggregate unless otherwise provided in the governing documents.
349 A fine of less than \$2,500 ~~\$1,000~~ may not become a lien against
350 a parcel. In any action to recover a fine, the prevailing party
351 is entitled to reasonable attorney fees and costs from the
352 nonprevailing party as determined by the court.

353 (a) An association may suspend, for a reasonable period of
354 time, the right of a member, or a member's tenant, guest, or
355 invitee, to use common areas and facilities for the failure of
356 the owner of the parcel or its occupant, licensee, or invitee to
357 comply with any provision of the declaration, the association
358 bylaws, or reasonable rules of the association. This paragraph
359 does not apply to that portion of common areas used to provide



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360 access or utility services to the parcel. A suspension may not
361 prohibit an owner or tenant of a parcel from having vehicular
362 and pedestrian ingress to and egress from the parcel, including,
363 but not limited to, the right to park.

364 (b) A fine or suspension levied by the board of
365 administration may not be imposed unless the board first
366 provides at least 14 days' written notice of the parcel owner's
367 right to a hearing to the parcel owner at his or her designated
368 mailing or e-mail address in the association's official records
369 and, if applicable, to any occupant, licensee, or invitee of the
370 parcel owner, sought to be fined or suspended. Such and a
371 hearing must be held within 30 days after issuance of the notice
372 before a committee of at least three members appointed by the
373 board who are not officers, directors, or employees of the
374 association, or the spouse, parent, child, brother, or sister of
375 an officer, director, or employee. The committee and the parcel
376 owner may agree to an extension of time for the hearing of up to
377 30 days. The committee may conduct the hearing by telephone or
378 other electronic means. The notice must include a description of
379 the alleged violation; the specific action required to cure such
380 violation, if applicable; and the hearing date, and location,
381 and access information if conducted by telephone or other
382 electronic means of the hearing. A parcel owner has the right to
383 attend a hearing by telephone or other electronic means.

384 (c) If the committee, by majority vote, does not approve a
385 proposed fine or suspension, the proposed fine or suspension may
386 not be imposed. The role of the committee is limited to
387 determining whether to confirm or reject the fine or suspension
388 levied by the board.



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389 (d) Within 7 days after the hearing, the committee shall
390 provide written notice to the parcel owner at his or her
391 designated mailing or e-mail address in the association's
392 official records and, if applicable, any occupant, licensee, or
393 invitee of the parcel owner, of the committee's findings related
394 to the violation, including any applicable fines or suspensions
395 that the committee approved or rejected, and how the parcel
396 owner or any occupant, licensee, or invitee of the parcel owner
397 may cure the violation, if applicable, or fulfill a suspension,
398 or the date by which a fine must be paid.

399 (e) If a violation is found by the committee and the
400 proposed fine or suspension levied by the board is approved by
401 the committee by a majority vote, the committee must set a date
402 by which the fine must be paid, which date must be at least 30
403 days after delivery of the written notice required in paragraph
404 (d).

405 (f) Upon receipt of a payment for any outstanding fines
406 from a parcel owner or any occupant, licensee, or invitee of the
407 parcel owner, the board must apply the payment first to the fine
408 before satisfying any other amounts due to the association.
409 Attorney fees and costs may not continue to accrue after a
410 parcel owner or any occupant, licensee, or invitee of the parcel
411 owner pays the fine payment is due 5 days after notice of the
412 approved fine required under paragraph (d) is provided to the
413 parcel owner and, if applicable, to any occupant, licensee, or
414 invitee of the parcel owner. The association must provide
415 written notice of such fine or suspension by mail or hand
416 delivery to the parcel owner and, if applicable, to any
417 occupant, licensee, or invitee of the parcel owner.



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418 (7) An association may not foreclose on a lien based on a
419 fine for an infraction relating to lawn, landscaping, or grass
420 maintenance, or a fine for a traffic infraction.

421 (8) Notwithstanding any provision to the contrary in an
422 association's governing documents, an association may not levy a
423 fine or impose a suspension for any of the following:

424 (a) Leaving garbage receptacles at the curb or end of the
425 driveway within 24 hours before or after the designated garbage
426 collection day or time.

427 (b) Leaving holiday decorations or lights on a structure or
428 other improvement on a parcel longer than indicated in the
429 governing documents, unless such decorations or lights are left
430 up for longer than 1 week after the association provides written
431 notice of the violation to the parcel owner.

432 Section 6. Section 720.3065, Florida Statutes, is amended
433 to read:

434 720.3065 Fraudulent voting activities relating to
435 association elections; penalties.—

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

440 (a) ~~(1)~~ Willfully and falsely swearing to or affirming an
441 oath or affirmation, or willfully procuring another person to
442 falsely swear to or affirm an oath or affirmation, in connection
443 with or arising out of voting activities.

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



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447 (c)~~(3)~~ Preventing a member from voting or preventing a
448 member from voting as he or she intended by fraudulently
449 changing or attempting to change a ballot, ballot envelope,
450 vote, or voting certificate of the member.

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

454 (e)~~(5)~~ Giving or promising, directly or indirectly,
455 anything of value to another member with the intent to buy the
456 vote of that member or another member or to corruptly influence
457 that member or another member in casting his or her vote. This
458 paragraph subsection does not apply to any food served which is
459 to be consumed at an election rally or a meeting or to any item
460 of nominal value which is used as an election advertisement,
461 including a campaign message designed to be worn by a member.

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

466 (2) Each of the following acts constitutes a misdemeanor of
467 the first degree, punishable as provided in s. 775.082 or s.
468 775.083:

469 (a) Knowingly aiding, abetting, or advising a person in the
470 commission of a fraudulent voting activity related to
471 association elections.

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

475 (c) Having knowledge of a fraudulent voting activity



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476 related to association elections and giving any aid to the
477 offender with intent that the offender avoid or escape
478 detection, arrest, trial, or punishment.

479
480 This subsection does not apply to a licensed attorney giving
481 legal advice to a client.

482 Section 7. Subsection (3) of section 720.3075, Florida
483 Statutes, is amended, and paragraph (c) is added to subsection
484 (4) of that section, to read:

485 720.3075 Prohibited clauses in association documents.—

486 (3) Homeowners' association documents, including
487 declarations of covenants, articles of incorporation, or bylaws,
488 may not preclude:

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

494 (b) A property owner or a tenant, a guest, or an invitee of
495 the property owner from parking his or her personal vehicle,
496 including a pickup truck, in the property owner's driveway, or
497 in common parking lots. The homeowners' association documents,
498 including declarations of covenants, articles of incorporation,
499 or bylaws, may not prohibit a property owner or a tenant, a
500 guest, or an invitee of the property owner from parking his or
501 her work vehicle, which is not a commercial motor vehicle as
502 defined in s. 320.01(25), in the property owner's driveway.

503 (c) A property owner from inviting, hiring, or allowing
504 entry to a contractor or worker on the owner's parcel solely



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505 because the contractor or worker is not on a preferred vendor
506 list of the association. Additionally, homeowners' association
507 documents may not preclude a property owner from inviting,
508 hiring, or allowing entry to a contractor or worker on his or
509 her parcel solely because the contractor or worker does not have
510 a professional or an occupational license. The association may
511 not require a contractor or worker to present or prove
512 possession of a professional or an occupational license to be
513 allowed entry onto a property owner's parcel.

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

518 (e) A property owner from installing code-compliant
519 hurricane protection or home hardening, such as hurricane
520 shutters, impact glass, code-compliant windows or doors, or
521 other similar protection that complies with or exceeds the
522 applicable building code. However, the association may require a
523 parcel owner to adhere to an existing unified building scheme
524 regarding the external appearance of the structure or other
525 improvement on the parcel.

526 (f) A property owner from installing roof systems
527 recognized by the Florida Building Code which meet the American
528 Society of Civil Engineers Standard ASCE/SEI 7-22 standards,
529 artificial turf, a vegetable garden, a clothesline, or other
530 energy-efficient device. However, the association may require a
531 parcel owner to adhere to an existing unified building scheme
532 regarding the external appearance of the structure or other
533 improvement on the parcel.



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534 (4)
535 (c) Homeowners' association documents, including
536 declarations of covenants, articles of incorporation, or bylaws,
537 may not limit landscaping to grass-only or grass-majority lawns.
538 However, the association's documents may generally require that
539 a property owner keep any lawn, landscaping, or grass on the
540 property owner's parcel well-maintained.

541 Section 8. Section 720.318, Florida Statutes, is amended to
542 read:

543 720.318 Law enforcement vehicles.—An association may not
544 prohibit a law enforcement officer, as defined in s. 943.10(1),
545 who is a parcel owner, or who is a tenant, guest, or invitee of
546 a parcel owner, from parking his or her assigned law enforcement
547 vehicle in an area where the parcel owner, or the tenant, guest,
548 or invitee of the parcel owner, otherwise has a right to park,
549 including on public roads or rights-of-way.

550 Section 9. This act shall take effect July 1, 2024.

551
552 ===== T I T L E A M E N D M E N T =====

553 And the title is amended as follows:

554 Delete everything before the enacting clause
555 and insert:

556 A bill to be entitled
557 An act relating to homeowners' associations; amending
558 s. 720.303, F.S.; conforming a provision to changes
559 made by the act; providing criminal penalties for
560 directors or members of the board or association or
561 community association managers who fail to maintain
562 and make available specified records with the intent



563 to cause harm to the association or its members;
564 defining the term "repeatedly"; providing criminal
565 penalties for persons who knowingly or intentionally
566 deface, destroy, or fail to maintain specified
567 accounting records; providing criminal penalties for
568 persons who willfully or intentionally refuse to
569 release certain records for specific purposes;
570 prohibiting an association and its officers,
571 directors, employees, and agents from using a debit
572 card issued in the name of the association for
573 specified purposes; defining the term "lawful
574 obligation of the association"; requiring the board to
575 provide a detailed accounting within a specified
576 timeframe upon written request by a parcel owner;
577 prohibiting such parcel owners from making more than
578 one request within a specified time period; requiring
579 the board to waive certain outstanding fines owed to
580 the association by such parcel owners if the board
581 fails to respond within a specified timeframe;
582 amending s. 720.3033, F.S.; providing criminal
583 penalties for certain actions by an officer, a
584 director, or a manager of an association; amending s.
585 720.3035, F.S.; prohibiting an association or any
586 architectural, construction improvement, or other such
587 similar committee of an association from enforcing or
588 adopting certain covenants, rules, or guidelines;
589 making technical changes; amending s. 720.3045, F.S.;
590 prohibiting a homeowners' association from restricting
591 residents from installing certain vegetable gardens



592 and clotheslines under certain circumstances; amending
593 s. 720.305, F.S.; revising the fines prohibited from
594 being aggregated to create a lien against a parcel;
595 requiring that certain notices be provided to parcel
596 owners; requiring that certain hearings be held within
597 a specified timeframe; authorizing certain committees
598 and parcel owners to agree to an extension of time for
599 a hearing; authorizing committees to conduct such
600 hearings by telephone or other electronic means;
601 requiring the committee to provide written notice to
602 the parcel owner within a specified timeframe after
603 the hearing; revising the information that must be
604 included in such written notice; requiring that the
605 date the committee sets for payment of a fine be a
606 specified time after delivery of the required notice
607 to the parcel owner; deleting a specified timeframe
608 that a fine is due after notice to the parcel owner is
609 mailed or hand delivered; specifying the priority of
610 applying payments made by a parcel owner to an
611 association; prohibiting attorney fees and costs from
612 continuing to accrue after a fine is paid; prohibiting
613 an association from foreclosing on a lien based on a
614 fine for certain infractions; prohibiting an
615 association from levying a fine or imposing a
616 suspension for certain infractions; amending s.
617 720.3065, F.S.; providing criminal penalties for
618 certain voting violations; providing applicability;
619 making technical changes; amending s. 720.3075, F.S.;
620 prohibiting certain homeowners' association documents



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621 from precluding property owners or tenants, guests, or
622 invitees from taking certain actions; providing an
623 exception; prohibiting homeowners' association
624 documents from limiting certain actions; amending s.
625 720.318, F.S.; prohibiting an association from
626 prohibiting certain law enforcement officers from
627 parking their assigned vehicles on public roads and
628 rights-of-way; providing an effective date.