

By the Committee on Regulated Industries

580-02637-24

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1 A bill to be entitled
2 An act relating to homeowners' associations; amending
3 s. 720.303, F.S.; conforming a cross-reference;
4 providing criminal penalties for directors or members
5 of the board or association who fail to maintain and
6 make available specified records; defining the term
7 "repeatedly"; providing criminal penalties for persons
8 who knowingly and intentionally deface, destroy, or
9 fail to maintain specified accounting records;
10 providing criminal penalties for persons who willfully
11 and intentionally refuse to release certain records
12 for specific purposes; authorizing a parcel owner or
13 any occupant, licensee, or invitee of the parcel owner
14 to make a written request to the board for a detailed
15 accounting of any debts owed to the association;
16 requiring the board to provide such information within
17 a specified timeframe; prohibiting subsequent requests
18 from being made within a specified period after the
19 initial request; requiring the board to waive all
20 outstanding fines if it fails to provide a detailed
21 accounting within a specified timeframe when such
22 fines owed are past due more than a specified number
23 of days; prohibiting an association and its officers,
24 directors, employees, and agents from using a debit
25 card issued in the name of the association for
26 specified purposes; defining the term "lawful
27 obligation of the association"; requiring the board to
28 provide a detailed accounting within a specified
29 timeframe upon written request by certain persons;

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30 prohibiting such persons from making more than one
31 request within a specified time period; requiring the
32 board to waive certain outstanding fines owed to the
33 association by such persons if the board fails to
34 respond within a specified timeframe; amending s.
35 720.3033, F.S.; providing criminal penalties for
36 certain actions by an officer, a director, or a
37 manager of an association; requiring that a director
38 or an officer be removed from office and a vacancy
39 declared for certain actions taken; amending s.
40 720.3035, F.S.; prohibiting an association or any
41 architectural, construction improvement, or other such
42 similar committee of an association from enforcing or
43 adopting certain covenants, rules, or guidelines;
44 requiring an association or any architectural,
45 construction improvement, or other such similar
46 committee of an association to provide a parcel owner
47 with an appeals process under certain circumstances;
48 making technical changes; amending s. 720.3045, F.S.;
49 prohibiting a homeowners' association from restricting
50 residents from installing certain vegetable gardens
51 and clotheslines under certain circumstances; amending
52 s. 720.305, F.S.; revising the fines prohibited from
53 being aggregated to create a lien against a parcel;
54 requiring that certain notices be provided to parcel
55 owners; requiring that certain hearings be held within
56 a specified timeframe; authorizing that such hearings
57 may be conducted by telephone or other electronic
58 means; providing a specified timeframe after a hearing

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59 for a committee to send a parcel owner certain
60 information related to a violation; requiring the
61 committee to provide written notice to the parcel
62 owner within a specified timeframe after the hearing;
63 revising what information must be included in such
64 written notice; requiring that the date the committee
65 sets for payment of a fine be a specified time after
66 delivery of the required notice to the parcel owner;
67 deleting a specified timeframe that a fine is due
68 after notice to the parcel owner is mailed or hand
69 delivered; specifying the priority of applying
70 payments made by a parcel owner to an association;
71 prohibiting the accrual of attorney fees and costs
72 before a specified time; prohibiting attorney fees and
73 costs from continuing to accrue after a fine is paid;
74 prohibiting certain fines levied to become a lien on
75 the parcel; authorizing certain persons to request a
76 hearing to dispute certain fees and costs; prohibiting
77 an association from retroactively applying a fine or
78 imposing a suspension for certain actions; providing
79 an exception; prohibiting an association from
80 enforcing certain rules or covenants under certain
81 circumstances; conforming a cross-reference; amending
82 s. 720.3065, F.S.; providing criminal penalties for
83 certain voting violations; providing applicability;
84 making technical changes; amending s. 720.3075, F.S.;
85 prohibiting certain homeowners' association documents
86 from precluding property owners or tenants, guests, or
87 invitees from taking certain actions; prohibiting

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88 homeowners' association documents from limiting or
89 requiring certain actions; amending s. 720.3085, F.S.;
90 deleting provisions relating to the priority of
91 certain liens, mortgages, or certified judgments;
92 amending s. 720.318, F.S.; prohibiting an association
93 from prohibiting certain law enforcement officers from
94 parking their assigned vehicles on public roads and
95 rights-of-way; providing an effective date.

96

97 Be It Enacted by the Legislature of the State of Florida:

98

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

102 720.303 Association powers and duties; meetings of board;
103 official records; budgets; financial reporting; association
104 funds; recalls.—

105 (1) POWERS AND DUTIES.—An association that ~~which~~ operates a
106 community as defined in s. 720.301, must be operated by an
107 association that is a Florida corporation. After October 1,
108 1995, the association must be incorporated and the initial
109 governing documents must be recorded in the official records of
110 the county in which the community is located. An association may
111 operate more than one community. The officers and directors of
112 an association are subject to s. 617.0830 and have a fiduciary
113 relationship to the members who are served by the association.
114 The powers and duties of an association include those set forth
115 in this chapter and, except as expressly limited or restricted
116 in this chapter, those set forth in the governing documents.

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117 After control of the association is obtained by members other
118 than the developer, the association may institute, maintain,
119 settle, or appeal actions or hearings in its name on behalf of
120 all members concerning matters of common interest to the
121 members, including, but not limited to, the common areas; roof
122 or structural components of a building, or other improvements
123 for which the association is responsible; mechanical,
124 electrical, or plumbing elements serving an improvement or
125 building for which the association is responsible;
126 representations of the developer pertaining to any existing or
127 proposed commonly used facility; and protesting ad valorem taxes
128 on commonly used facilities. The association may defend actions
129 in eminent domain or bring inverse condemnation actions. Before
130 commencing litigation against any party in the name of the
131 association involving amounts in controversy in excess of
132 \$100,000, the association must obtain the affirmative approval
133 of a majority of the voting interests at a meeting of the
134 membership at which a quorum has been attained. This subsection
135 does not limit any statutory or common-law right of any
136 individual member or class of members to bring any action
137 without participation by the association. A member does not have
138 authority to act for the association by virtue of being a
139 member. An association may have more than one class of members
140 and may issue membership certificates. An association of 15 or
141 fewer parcel owners may enforce only the requirements of those
142 deed restrictions established prior to the purchase of each
143 parcel upon an affected parcel owner or owners.

144 (5) INSPECTION AND COPYING OF RECORDS.—

145 (a) The official records shall be maintained within the

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146 state for at least 7 years and shall be made available to a
147 parcel owner for inspection or photocopying within 45 miles of
148 the community or within the county in which the association is
149 located within 10 business days after receipt by the board or
150 its designee of a written request. This subsection may be
151 complied with by having a copy of the official records available
152 for inspection or copying in the community or, at the option of
153 the association, by making the records available to a parcel
154 owner electronically via the Internet or by allowing the records
155 to be viewed in electronic format on a computer screen and
156 printed upon request. If the association has a photocopy machine
157 available where the records are maintained, it must provide
158 parcel owners with copies on request during the inspection if
159 the entire request is limited to no more than 25 pages. An
160 association shall allow a member or his or her authorized
161 representative to use a portable device, including a smartphone,
162 tablet, portable scanner, or any other technology capable of
163 scanning or taking photographs, to make an electronic copy of
164 the official records in lieu of the association's providing the
165 member or his or her authorized representative with a copy of
166 such records. The association may not charge a fee to a member
167 or his or her authorized representative for the use of a
168 portable device.

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

174 (c)~~(b)~~ A member who is denied access to official records is

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175 entitled to the actual damages or minimum damages for the
176 association's willful failure to comply with this subsection.
177 The minimum damages are to be \$50 per calendar day up to 10
178 days, the calculation to begin on the 11th business day after
179 receipt of the written request.

180 (d) Any director or member of the board or association or a
181 community association manager who knowingly, willfully, and
182 repeatedly violates paragraph (a) commits a misdemeanor of the
183 second degree, punishable as provided in s. 775.082 or s.
184 775.083, and shall be deemed removed from office and a vacancy
185 declared. For purposes of this paragraph, the term "repeatedly"
186 means two or more violations within a 12-month period.

187 (e) Any person who knowingly or intentionally defaces or
188 destroys accounting records during a period in which such
189 accounting records are required by this chapter to be
190 maintained, or who knowingly or intentionally fails to create or
191 maintain accounting records that are required by this chapter to
192 be created or maintained, with the intent of causing harm to the
193 association or one or more of its members, commits a misdemeanor
194 of the first degree, punishable as provided in s. 775.082 or s.
195 775.083. If the person who commits this offense is an
196 association board member, director, or community association
197 manager, he or she shall be deemed removed from office and a
198 vacancy declared.

199 (f) Any person who willfully and intentionally refuses to
200 release or otherwise produce association records with the intent
201 to avoid or escape detection, arrest, trial, or punishment for
202 the commission of a crime, or to assist another person with such
203 avoidance or escape, commits a felony of the third degree,

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204 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
205 and shall be deemed removed from office and a vacancy declared.

206 (g)~~(e)~~ The association may adopt reasonable written rules
207 governing the frequency, time, location, notice, records to be
208 inspected, and manner of inspections, but may not require a
209 parcel owner to demonstrate any proper purpose for the
210 inspection, state any reason for the inspection, or limit a
211 parcel owner's right to inspect records to less than one 8-hour
212 business day per month. The association may impose fees to cover
213 the costs of providing copies of the official records, including
214 the costs of copying and the costs required for personnel to
215 retrieve and copy the records if the time spent retrieving and
216 copying the records exceeds one-half hour and if the personnel
217 costs do not exceed \$20 per hour. Personnel costs may not be
218 charged for records requests that result in the copying of 25 or
219 fewer pages. The association may charge up to 25 cents per page
220 for copies made on the association's photocopier. If the
221 association does not have a photocopy machine available where
222 the records are kept, or if the records requested to be copied
223 exceed 25 pages in length, the association may have copies made
224 by an outside duplicating service and may charge the actual cost
225 of copying, as supported by the vendor invoice. The association
226 shall maintain an adequate number of copies of the recorded
227 governing documents, to ensure their availability to members and
228 prospective members. Notwithstanding this paragraph, the
229 following records are not accessible to members or parcel
230 owners:

231 1. Any record protected by the lawyer-client privilege as
232 described in s. 90.502 and any record protected by the work-

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233 product privilege, including, but not limited to, a record
234 prepared by an association attorney or prepared at the
235 attorney's express direction which reflects a mental impression,
236 conclusion, litigation strategy, or legal theory of the attorney
237 or the association and which was prepared exclusively for civil
238 or criminal litigation or for adversarial administrative
239 proceedings or which was prepared in anticipation of such
240 litigation or proceedings until the conclusion of the litigation
241 or proceedings.

242 2. Information obtained by an association in connection
243 with the approval of the lease, sale, or other transfer of a
244 parcel.

245 3. Information an association obtains in a gated community
246 in connection with guests' visits to parcel owners or community
247 residents.

248 4. Personnel records of association or management company
249 employees, including, but not limited to, disciplinary, payroll,
250 health, and insurance records. For purposes of this
251 subparagraph, the term "personnel records" does not include
252 written employment agreements with an association or management
253 company employee or budgetary or financial records that indicate
254 the compensation paid to an association or management company
255 employee.

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

257 6. Social security numbers, driver license numbers, credit
258 card numbers, electronic mailing addresses, telephone numbers,
259 facsimile numbers, emergency contact information, any addresses
260 for a parcel owner other than as provided for association notice
261 requirements, and other personal identifying information of any

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262 person, excluding the person's name, parcel designation, mailing
263 address, and property address. Notwithstanding the restrictions
264 in this subparagraph, an association may print and distribute to
265 parcel owners a directory containing the name, parcel address,
266 and all telephone numbers of each parcel owner. However, an
267 owner may exclude his or her telephone numbers from the
268 directory by so requesting in writing to the association. An
269 owner may consent in writing to the disclosure of other contact
270 information described in this subparagraph. The association is
271 not liable for the disclosure of information that is protected
272 under this subparagraph if the information is included in an
273 official record of the association and is voluntarily provided
274 by an owner and not requested by the association.

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

277 8. The software and operating system used by the
278 association which allows the manipulation of data, even if the
279 owner owns a copy of the same software used by the association.
280 The data is part of the official records of the association.

281 9. All affirmative acknowledgments made pursuant to s.
282 720.3085(3)(c)3.

283 (h)~~(d)~~ The association or its authorized agent is not
284 required to provide a prospective purchaser or lienholder with
285 information about the residential subdivision or the association
286 other than information or documents required by this chapter to
287 be made available or disclosed. The association or its
288 authorized agent may charge a reasonable fee to the prospective
289 purchaser or lienholder or the current parcel owner or member
290 for providing good faith responses to requests for information

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291 by or on behalf of a prospective purchaser or lienholder, other
292 than that required by law, if the fee does not exceed \$150 plus
293 the reasonable cost of photocopying and any attorney fees
294 incurred by the association in connection with the response.

295 (13) DEBIT CARDS.—

296 (a) An association and its officers, directors, employees,
297 and agents may not use a debit card issued in the name of the
298 association, or billed directly to the association, for the
299 payment of any association expense that is not a lawful
300 obligation of the association.

301 (b) A person who uses a debit card issued in the name of
302 the association, or billed directly to the association, for any
303 expense that is not a lawful obligation of the association
304 commits theft under s. 812.014, and shall be deemed removed from
305 office and a vacancy declared.

306
307 For the purposes of this subsection, the term "lawful obligation
308 of the association" means an obligation that has been properly
309 preapproved by the board and is reflected in the meeting minutes
310 or the written budget.

311 (14) REQUIREMENT TO PROVIDE AN ACCOUNTING.—A parcel owner
312 or any occupant, licensee, or invitee of the parcel owner may
313 make a written request to the board for a detailed accounting of
314 any amounts he or she owes to the association, and the board
315 shall provide such information within 15 business days after
316 receipt of the written request. After the parcel owner or any
317 occupant, licensee, or invitee of the parcel owner makes such a
318 written request to the board, he or she may not ask for another
319 detailed accounting for at least 90 calendar days. Failure by

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320 the board to respond within 15 business days to a written
321 request for a detailed accounting constitutes a complete waiver
322 of any outstanding fines owed by the person who requested such
323 an accounting which are more than 30 days past due and for which
324 the association has not given prior written notice of the
325 imposition of the fines.

326 Section 2. Subsection (3) and paragraph (a) of subsection
327 (4) of section 720.3033, Florida Statutes, are amended to read:

328 720.3033 Officers and directors.—

329 (3) An officer, a director, or a manager may not solicit,
330 offer to accept, or accept any thing or service of value for
331 which consideration has not been provided for his or her benefit
332 or for the benefit of a member of his or her immediate family
333 from any person providing or proposing to provide goods or
334 services to the association. An officer, a director, or a
335 manager who knowingly solicits, offers to accept, or accepts any
336 thing or service of value or kickback for which consideration
337 has not been provided for his or her own benefit or that of his
338 or her immediate family from any person providing or proposing
339 to provide goods or services to the association commits a felony
340 of the third degree, punishable as provided in s. 775.082, s.
341 775.083, or s. 775.084, and is subject to monetary damages under
342 s. 617.0834. If the board finds that an officer or a director
343 has violated this subsection, the officer or director is deemed
344 removed from office and a vacancy declared ~~board shall~~
345 ~~immediately remove the officer or director from office.~~ The
346 vacancy shall be filled according to law until the end of the
347 officer's or director's term of office. However, an officer, a
348 director, or a manager may accept food to be consumed at a

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349 business meeting with a value of less than \$25 per individual or
350 a service or good received in connection with trade fairs or
351 education programs.

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

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

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

359 3. Destruction of or the refusal to allow inspection or
360 copying of an official record of a homeowners' association which
361 is accessible to parcel owners within the time periods required
362 by general law, in furtherance of any crime. Such act
363 constitutes tampering with physical evidence as provided in s.
364 918.13.

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

366 5. Any criminal violation under this chapter.

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

369 720.3035 Architectural control covenants; parcel owner
370 improvements; rights and privileges.—

371 (1) (a) The authority of an association or any
372 architectural, construction improvement, or other such similar
373 committee of an association to review and approve plans and
374 specifications for the location, size, type, or appearance of
375 any structure or other improvement on a parcel, or to enforce
376 standards for the external appearance of any structure or
377 improvement located on a parcel, shall be permitted only to the

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378 extent that the authority is specifically stated or reasonably
379 inferred as to such location, size, type, or appearance in the
380 declaration of covenants or other published guidelines and
381 standards authorized by the declaration of covenants.

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

385 1. Limits or places requirements on the interior of a
386 structure that is not visible from the parcel's frontage or an
387 adjacent parcel; or

388 2. Requires the review and approval of plans and
389 specifications for a central air-conditioning, refrigeration,
390 heating, or ventilating system by the association or any
391 architectural, construction improvement, or other such similar
392 committee of an association, if such system is not visible from
393 the parcel's frontage and is substantially similar to a system
394 that is approved or recommended by the association or a
395 committee thereof.

396 Section 4. Section 720.3045, Florida Statutes, is amended
397 to read:

398 720.3045 Installation, display, and storage of items.-
399 Regardless of any covenants, restrictions, bylaws, rules, or
400 requirements of an association, and unless prohibited by general
401 law or local ordinance, an association may not restrict parcel
402 owners or their tenants from installing, displaying, or storing
403 any items on a parcel which are not visible from the parcel's
404 frontage or an adjacent parcel, including, but not limited to,
405 artificial turf, boats, flags, vegetable gardens, clotheslines,
406 and recreational vehicles.

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407 Section 5. Subsections (1) and (2) of section 720.305,
408 Florida Statutes, are amended, and subsections (7) through (9)
409 are added to that section, to read:

410 720.305 Obligations of members; remedies at law or in
411 equity; levy of fines and suspension of use rights.—

412 (1) Each member and the member's tenants, guests, and
413 invitees, and each association, are governed by, and must comply
414 with, this chapter, the governing documents of the community,
415 and the rules of the association. Actions at law or in equity,
416 or both, to redress alleged failure or refusal to comply with
417 these provisions may be brought by the association or by any
418 member against:

419 (a) The association;

420 (b) A member;

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

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

425

426 The prevailing party in any such litigation is entitled to
427 recover reasonable attorney fees and costs as provided in
428 paragraph (2) (f) ~~(2) (e)~~. A member prevailing in an action
429 between the association and the member under this section, in
430 addition to recovering his or her reasonable attorney fees, may
431 recover additional amounts as determined by the court to be
432 necessary to reimburse the member for his or her share of
433 assessments levied by the association to fund its expenses of
434 the litigation. This relief does not exclude other remedies
435 provided by law. This section does not deprive any person of any

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436 other available right or remedy.

437 (2) An association may levy reasonable fines for violations
438 of the declaration, association bylaws, or reasonable rules of
439 the association. A fine may not exceed \$100 per violation
440 against any member or any member's tenant, guest, or invitee for
441 the failure of the owner of the parcel or its occupant,
442 licensee, or invitee to comply with any provision of the
443 declaration, the association bylaws, or reasonable rules of the
444 association unless otherwise provided in the governing
445 documents. A fine may be levied by the board for each day of a
446 continuing violation, with a single notice and opportunity for
447 hearing, except that the fine may not exceed \$1,000 in the
448 aggregate unless otherwise provided in the governing documents.
449 A fine of less than \$2,500 ~~\$1,000~~ may not become a lien against
450 a parcel. In any action to recover a fine, the prevailing party
451 is entitled to reasonable attorney fees and costs from the
452 nonprevailing party as determined by the court.

453 (a) An association may suspend, for a reasonable period of
454 time, the right of a member, or a member's tenant, guest, or
455 invitee, to use common areas and facilities for the failure of
456 the owner of the parcel or its occupant, licensee, or invitee to
457 comply with any provision of the declaration, the association
458 bylaws, or reasonable rules of the association. This paragraph
459 does not apply to that portion of common areas used to provide
460 access or utility services to the parcel. A suspension may not
461 prohibit an owner or tenant of a parcel from having vehicular
462 and pedestrian ingress to and egress from the parcel, including,
463 but not limited to, the right to park.

464 (b) A fine or suspension levied by the board of

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465 administration may not be imposed unless the board first
466 provides at least 14 days' written notice of the parcel owner's
467 right to a hearing to the parcel owner at his or her designated
468 mailing or e-mail address in the association's official records
469 and, if applicable, to any occupant, licensee, or invitee of the
470 parcel owner, sought to be fined or suspended. Such ~~and a~~
471 hearing must be held within 30 days after issuance of the notice
472 before a committee of at least three members appointed by the
473 board who are not officers, directors, or employees of the
474 association, or the spouse, parent, child, brother, or sister of
475 an officer, director, or employee. The committee may conduct the
476 hearing by telephone or other electronic means. The notice must
477 include a description of the alleged violation; the specific
478 action required to cure such violation, if applicable; and the
479 hearing date, ~~and~~ location, and access information if conducted
480 by telephone or other electronic means ~~of the hearing.~~ A parcel
481 owner has the right to attend a hearing by telephone or other
482 electronic means.

483 (c) If the committee, by majority vote, does not approve a
484 proposed fine or suspension, the proposed fine or suspension may
485 not be imposed. The role of the committee is limited to
486 determining whether to confirm or reject the fine or suspension
487 levied by the board.

488 (d) Within 7 days after the hearing, the committee shall
489 provide written notice to the parcel owner at his or her
490 designated mailing or e-mail address in the association's
491 official records and, if applicable, any occupant, licensee, or
492 invitee of the parcel owner, of the committee's findings related
493 to the violation, including any applicable fines or suspensions

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494 that the committee approved or rejected, and how the parcel
495 owner or any occupant, licensee, or invitee of the parcel owner
496 may cure the violation, if applicable, or fulfill a suspension,
497 or the date by which a fine must be paid.

498 (e) If a violation found by the committee and the proposed
499 fine or suspension levied by the board is approved by the
500 committee by a majority vote, the committee must set a date by
501 which the fine must be paid, which date must be at least 30 days
502 after delivery of the written notice required in paragraph (d).

503 (f) Upon receipt of a payment for any outstanding fines
504 from a parcel owner or any occupant, licensee, or invitee of the
505 parcel owner, the board must apply the payment first to the fine
506 before satisfying any other amounts due to the association.
507 Attorney fees and costs may not continue to accrue after a
508 parcel owner or any occupant, licensee, or invitee of the parcel
509 owner pays the fine ~~payment is due 5 days after notice of the~~
510 ~~approved fine required under paragraph (d) is provided to the~~
511 ~~parcel owner and, if applicable, to any occupant, licensee, or~~
512 ~~invitee of the parcel owner. The association must provide~~
513 ~~written notice of such fine or suspension by mail or hand~~
514 ~~delivery to the parcel owner and, if applicable, to any~~
515 ~~occupant, licensee, or invitee of the parcel owner.~~

516 (7) If an association allows a fine to be levied for an
517 infraction relating to lawn, landscaping, or grass maintenance,
518 such fine may not become a lien on a parcel. A fine for a
519 traffic infraction may not become a lien on the parcel.

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

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523 (a) Leaving garbage receptacles at the curb or end of the
524 driveway within 24 hours before or after the designated garbage
525 collection day or time.

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

531 (9) An association may not retroactively apply a new rule
532 or covenant against a parcel owner, except against a parcel
533 owner who consented to the new covenant or rule and a parcel
534 owner who acquires title to a parcel after the effective date of
535 the new covenant or rule.

536 Section 6. Section 720.3065, Florida Statutes, is amended
537 to read:

538 720.3065 Fraudulent voting activities relating to
539 association elections; penalties.—

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

544 (a) ~~(1)~~ Willfully and falsely swearing to or affirming an
545 oath or affirmation, or willfully procuring another person to
546 falsely swear to or affirm an oath or affirmation, in connection
547 with or arising out of voting activities.

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

551 (c) ~~(3)~~ Preventing a member from voting or preventing a

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552 member from voting as he or she intended by fraudulently
553 changing or attempting to change a ballot, ballot envelope,
554 vote, or voting certificate of the member.

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

558 (e)~~(5)~~ Giving or promising, directly or indirectly,
559 anything of value to another member with the intent to buy the
560 vote of that member or another member or to corruptly influence
561 that member or another member in casting his or her vote. This
562 paragraph subsection does not apply to any food served which is
563 to be consumed at an election rally or a meeting or to any item
564 of nominal value which is used as an election advertisement,
565 including a campaign message designed to be worn by a member.

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

570 (2) Each of the following acts constitutes a misdemeanor of
571 the first degree, punishable as provided in s. 775.082 or s.
572 775.083:

573 (a) Knowingly aiding, abetting, or advising a person in the
574 commission of a fraudulent voting activity related to
575 association elections.

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

579 (c) Having knowledge of a fraudulent voting activity
580 related to association elections and giving any aid to the

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581 offender with intent that the offender avoid or escape
582 detection, arrest, trial, or punishment.

583

584 This subsection does not apply to a licensed attorney giving
585 legal advice to a client.

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

589 720.3075 Prohibited clauses in association documents.—

590 (3) Homeowners' association documents, including
591 declarations of covenants, articles of incorporation, or bylaws,
592 may not preclude:

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

598 (b) A property owner or a tenant, a guest, or an invitee of
599 the property owner from parking his or her personal vehicle,
600 including a pickup truck, in the property owner's driveway, or
601 in common parking lots. The homeowners' association documents,
602 including declarations of covenants, articles of incorporation,
603 or bylaws, may not prohibit a property owner or a tenant, a
604 guest, or an invitee of the property owner from parking his or
605 her work vehicle, which is not a commercial motor vehicle as
606 defined in s. 320.01(25), in the property owner's driveway.

607 (c) A property owner from inviting, hiring, or allowing
608 entry to a contractor or worker on the owner's parcel solely
609 because the contractor or worker is not on a preferred vendor

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610 list of the association. Additionally, homeowners' association
611 documents may not preclude a property owner from inviting,
612 hiring, or allowing entry to a contractor or worker on his or
613 her parcel solely because the contractor or worker does not have
614 a professional or an occupational license. The association may
615 not require a contractor or worker to present or prove
616 possession of a professional or an occupational license to be
617 allowed entry onto a property owner's parcel.

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

622 (e) A property owner from installing code-compliant
623 hurricane protection or home hardening, such as hurricane
624 shutters, impact glass, code-compliant windows or doors, or
625 other similar protection that complies with or exceeds the
626 applicable building code.

627 (f) A property owner from installing a metal roof,
628 artificial turf, a vegetable garden, or a clothesline, or other
629 energy-efficient device.

630 (4)

631 (c) Homeowners' association documents, including
632 declarations of covenants, articles of incorporation, or bylaws,
633 may not limit landscaping to grass-only or grass-majority lawns,
634 or issue a mandatory watering schedule to property owners.
635 However, the association's documents may generally require that
636 a property owner keep any lawn, landscaping, or grass on the
637 property owner's parcel well-maintained.

638 Section 8. Section 720.318, Florida Statutes, is amended to

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639 read:

640 720.318 Law enforcement vehicles.—An association may not
641 prohibit a law enforcement officer, as defined in s. 943.10(1),
642 who is a parcel owner, or who is a tenant, guest, or invitee of
643 a parcel owner, from parking his or her assigned law enforcement
644 vehicle in an area where the parcel owner, or the tenant, guest,
645 or invitee of the parcel owner, otherwise has a right to park,
646 including on public roads or rights-of-way.

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