

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Commerce Committee
2 Representative Sirois offered the following:

3
4 **Amendment to Amendment (141027) by Representative Porras**
5 **(with title amendment)**

6 Remove lines 888-955 of the amendment and insert:
7 ~~roof or~~ structural components of a building, or other
8 improvements for which the association is responsible;
9 mechanical, electrical, or plumbing elements serving an
10 improvement or building for which the association is
11 responsible; representations of the developer pertaining to any
12 existing or proposed commonly used facility; and protest of ad
13 valorem taxes on commonly used facilities. The association may
14 defend actions in eminent domain or bring inverse condemnation
15 actions. Before commencing litigation against any party in the
16 name of the association involving amounts in controversy in

719639 - h0657-line888a1.docx

Published On: 2/25/2026 6:07:28 PM

Amendment No.

17 excess of \$100,000, the association must obtain the affirmative
18 approval of a majority of the voting interests at a meeting of
19 the membership at which a quorum has been attained. This
20 ~~paragraph subsection~~ does not limit any statutory or common-law
21 right of any individual member or class of members to bring any
22 action without participation by the association.

23 (e) A member does not have authority to act for the
24 association by virtue of being a member. An association may have
25 more than one class of members and may issue membership
26 certificates.

27 (f) An association of 15 or fewer parcel owners may
28 enforce only the requirements of those deed restrictions
29 established prior to the purchase of each parcel upon an
30 affected parcel owner or owners.

31 (5) INSPECTION AND COPYING OF RECORDS.—

32 (i) 1. If an association receives a subpoena or written
33 request for records from a law enforcement agency or prosecuting
34 agency as defined in 112.531, the association must provide a
35 copy of such records or otherwise make the records available for
36 inspection and copying to a law enforcement agency or
37 prosecuting agency within 5 business days after receipt of the
38 subpoena or written request, unless otherwise specified by the
39 law enforcement agency, prosecuting agency, or subpoena or
40 written request. An association must assist a law enforcement
41 agency in its investigation to the extent permissible by law.

719639 - h0657-line888a1.docx

Published On: 2/25/2026 6:07:28 PM

Amendment No.

42 2. A director or member of the board or association or a
43 community association manager who willfully and knowingly fails
44 to provide a copy of records to a law enforcement agency or
45 prosecuting agency, or otherwise fails to make the records
46 available for inspection and copying, as required by
47 subparagraph 1. commits a misdemeanor of the second degree,
48 punishable as provided in s. 775.082 or s. 775.083.

49 (11) CONFLICTS OF INTEREST.—

50 (a) A director, an officer, or a committee member of an
51 association owes a duty of loyalty to the association and its
52 members.

53 (b) A conflict of interest exists when a director, an
54 officer, or a committee member has a direct or an indirect
55 financial interest in a transaction, contract, or decision under
56 consideration by the association.

57 (c) The director, officer, or committee member with a
58 conflict of interest must disclose the nature and extent of the
59 conflict in writing to the board before any discussion or vote
60 occurs on the matter.

61 (d) After disclosure of the conflict of interest, the
62 conflicted director, officer, or committee member may not
63 participate in any discussion or vote on the matter.

64 (e) A transaction involving a conflict of interest is
65 voidable by the association unless the transaction was approved
66 by a majority of the voting interests of the association after

Amendment No.

67 full disclosure by the conflicted director, officer, or
68 committee member has occurred.

69 (f) Compensating or contracting with a director, an
70 officer, or a committee member of the association, or an
71 immediate family member thereof, creates a rebuttable
72 presumption that a conflict of interest exists.

73 (g) This subsection may not be waived or limited by the
74 governing documents of the association.

75 **Section 13. Paragraph (b) of subsection (1) of section**
76 **720.3035, Florida Statutes, is amended to read:**

77 720.3035 Architectural control covenants; parcel owner
78 improvements; rights and privileges.—

79 (1)

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

83 1. Limits or places requirements on the interior of a
84 structure that is not visible from the parcel's frontage or an
85 adjacent parcel, an adjacent common area, or a community golf
86 course.

87 2. Requires the review and approval of plans and
88 specifications for a central air-conditioning, refrigeration,
89 heating, or ventilating system by the association or any
90 architectural, construction improvement, or other such similar
91 committee of an association, if such system is not visible from

Amendment No.

92 the parcel's frontage, an adjacent parcel, an adjacent common
93 area, or a community golf course and is substantially similar to
94 a system that is approved or recommended by the association or a
95 committee thereof.

96 3. Requires that a specific type of material be used on
97 the building or rebuilding of a roof, provided the built or
98 rebuilt roof appears to be substantially identical in shape and
99 color with the roofing requirements created by the association
100 or any architectural, construction improvement, or other such
101 similar committee of the association, and that such roofing
102 materials adhere to the roof systems recognized by the Florida
103 Building Code which meet ASCE 7-22 standards pursuant to
104 paragraph (6) (c).

105 **Section 14. Paragraph (g) is added to subsection (3) of**
106 **section 720.3075, Florida Statutes, to read:**

107 720.3075 Prohibited clauses in association documents.—

108 (3) Homeowners' association documents, including
109 declarations of covenants, articles of incorporation, or bylaws,
110 may not preclude:

111 (g) A property owner from using any type of building
112 material to build or rebuild his or her roof, provided the built
113 or rebuilt roof appears to be substantially identical in shape
114 and color with the roofing requirements created by the
115 association or any architectural, construction improvement, or
116 other such similar committee of the association, and that such

719639 - h0657-line888a1.docx

Published On: 2/25/2026 6:07:28 PM

Amendment No.

117 roofing materials adhere to the roof systems recognized by the
118 Florida Building Code which meet ASCE 7-22 standards pursuant to
119 s. 720.3035(6)(c).

120 **Section 15. For the purpose of incorporating the amendment**
121 **made by this act to section 720.3035, Florida Statutes, in a**
122 **reference thereto, Subsection (9) of section 617.0825, Florida**
123 **Statutes, is reenacted to read:**

124 617.0825 Board committees and advisory committees.—

125 (9) This section does not apply to a committee established
126 under chapter 718, chapter 719, or chapter 720 to perform the
127 functions set forth in s. 718.303(3), s. 719.303(3), s.
128 720.3035(1), s. 720.305(2), or s. 720.405, respectively.

129 -----
130

131 **T I T L E A M E N D M E N T**

132 Remove line 1746 of the amendment and insert:
133 s. 720.3035, F.S.; revising the prohibition on the
134 adoption of certain covenants, rules, or guidelines by
135 a homeowners' association or a specified committee of
136 an association to include a prohibition on requiring
137 specific types of materials for the building or
138 rebuilding of a roof if the built or rebuilt roof
139 meets certain criteria and standards; amending s.
140 720.3075, F.S.; revising the prohibited clauses in
141 homeowners' association documents to include a

Amendment No.

142 requirement that a property owner may not be precluded
143 from using any type of building material to build or
144 rebuild his or her roof if the built or rebuilt roof
145 meets certain criteria and standards; reenacting s.
146 617.0825(9), F.S., relating to board committees and
147 advisory committees, to incorporate the amendment made
148 to s. 720.3035, F.S., in a reference thereto; amending
149 s. 720.306, F.S.; conforming a cross-reference;
150 amending