

1 A bill to be entitled
2 An act relating to homeowners' associations; amending
3 s. 468.4334, F.S.; providing requirements for certain
4 community association managers and community
5 association management firms; amending s. 468.4337,
6 F.S.; requiring certain community association managers
7 to take a specific number of hours of continuing
8 education biennially; amending s. 720.303, F.S.;
9 requiring official records of a homeowners'
10 association to be maintained for a certain number of
11 years; requiring certain associations to post certain
12 documents on its website or make available such
13 documents through an application by a date certain;
14 providing requirements for an association's website or
15 application; requiring an association to provide
16 certain information to parcel owners upon request;
17 requiring an association to ensure certain information
18 and records are not accessible on the website or
19 application; providing that an association or its
20 agent is not liable for the disclosure of certain
21 information; requiring an association to adopt certain
22 rules; providing criminal penalties; defining the term
23 "repeatedly"; requiring an association to provide or
24 make available subpoenaed records within a certain
25 timeframe; requiring an association to assist in a law

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

51 indictment with certain crimes; amending s. 720.3035,
52 F.S.; requiring an association or any architectural,
53 construction improvement, or other such similar
54 committee of an association to apply and enforce
55 certain standards reasonably and equitably; requiring
56 an association or any architectural, construction
57 improvement, or other such similar committee of an
58 association to provide certain written notice to a
59 parcel owner; prohibiting an association or certain
60 committees of the association from enforcing or
61 adopting certain covenants, rules, or guidelines;
62 authorizing a parcel owner to appeal certain decisions
63 of the association or certain committees of the
64 association to an appeals committee within a specified
65 timeframe; providing for membership and authority of
66 the appeals committee; requiring the appeals committee
67 to make its decisions within a specified timeframe;
68 amending s. 720.3045, F.S.; authorizing parcel owners
69 or their tenants to install, display, or store
70 clotheslines and vegetable gardens under certain
71 circumstances; amending s. 720.305, F.S.; prohibiting
72 certain fines from being aggregated and becoming a
73 lien on a parcel without a supermajority vote of a
74 certain percentage of the voting members; specifying
75 how fines, suspensions, attorney fees, and costs are

76 | determined; requiring certain notices to be provided
77 | to parcel owners and, if applicable, an occupant, a
78 | licensee, or an invitee of the parcel owner; requiring
79 | certain hearings to be held within a specified
80 | timeframe and authorizing such hearings to be held by
81 | telephone or other electronic means; prohibiting the
82 | accrual of attorney fees and costs after a specified
83 | time; specifying the priority of payments made by a
84 | parcel owner to an association; authorizing certain
85 | persons to request a hearing to dispute certain fees
86 | and costs; providing that certain fines may not become
87 | a lien on a parcel; requiring fines or suspensions
88 | related to traffic infractions to be determined and
89 | issued by a certain person; prohibiting a parcel owner
90 | from being fined for certain traffic infractions;
91 | defining the term "traffic infraction"; prohibiting an
92 | association from levying a fine or imposing a
93 | suspension for certain actions; prohibiting an
94 | association from enforcing certain rules or covenants
95 | under certain circumstances; amending s. 720.3075,
96 | F.S.; prohibiting certain homeowners' association
97 | documents from precluding property owners from taking,
98 | limiting, or requiring certain actions; amending s.
99 | 720.308, F.S.; prohibiting a board from increasing
100 | assessments by more than specified percentages without

101 approval by a certain percentage of the voting
 102 members; providing an exception; prohibiting certain
 103 assessments from becoming a lien on a parcel without
 104 approval by a certain percentage of the voting
 105 members; amending s. 720.3085, F.S.; specifying when a
 106 lien is effective for mortgages of record; deleting
 107 provisions relating to the priority of certain liens,
 108 mortgages, or certified judgments; specifying that
 109 simple interest accrues on assessments and
 110 installments on assessments that are not paid when
 111 due; providing that assessments and installments on
 112 assessments may not accrue compound interest; amending
 113 s. 720.317, F.S.; authorizing a member to consent
 114 electronically to online voting if certain conditions
 115 are met; amending s. 720.318, F.S.; authorizing a law
 116 enforcement officer to park his or her assigned law
 117 enforcement vehicle on public roads and rights-of-way;
 118 providing an effective date.

119

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

121

122 Section 1. Subsection (3) is added to section 468.4334,
 123 Florida Statutes, to read:

124 468.4334 Professional practice standards; liability;
 125 community association manager requirements.—

126 (3) A community association manager or community
 127 association management firm that is authorized by contract to
 128 provide community association management services to a
 129 homeowners' association must do all of the following:

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

132 (b) Provide to the members of the homeowners' association
 133 the name and contact information for each community association
 134 manager or representative of a community association management
 135 firm assigned to the homeowners' association, the manager's or
 136 representative's hours of availability, and a summary of the
 137 duties for which the manager or representative is responsible.
 138 The homeowners' association must also post this information on
 139 the association's website or application required under s.
 140 720.303(4)(b). The community association manager or community
 141 association management firm must update the homeowners'
 142 association and its members within 14 business days after any
 143 change to such information.

144 (c) Provide to any member upon request a copy of the
 145 contract between the community association manager or community
 146 association management firm and the homeowners' association and
 147 include such contract with association's governing documents.

148 Section 2. Section 468.4337, Florida Statutes, is amended
 149 to read:

150 468.4337 Continuing education.—The department may not

151 renew a license until the licensee submits proof that the
152 licensee has completed the requisite hours of continuing
153 education. ~~No more than 10 hours of continuing education~~
154 ~~annually shall be required for renewal of a license.~~ The number
155 of continuing education hours, criteria, and course content
156 shall be approved by the council by rule. The council may not
157 require more than 10 hours of continuing education annually for
158 renewal of a license. A community association manager who
159 provides community association management services to a
160 homeowners' association must biennially complete at least 5
161 hours of continuing education that pertains specifically to
162 homeowners' associations, 3 hours of which must relate to
163 recordkeeping.

164 Section 3. Subsections (1), (4), and (5), paragraph (f) of
165 subsection (6), and paragraphs (a) and (d) of subsection (7) of
166 section 720.303, Florida Statutes, are amended, and subsections
167 (13) and (14) are added to that section, to read:

168 720.303 Association powers and duties; meetings of board;
169 official records; budgets; financial reporting; association
170 funds; recalls.—

171 (1) POWERS AND DUTIES.—An association that ~~which~~ operates
172 a community as defined in s. 720.301, must be operated by an
173 association that is a Florida corporation. After October 1,
174 1995, the association must be incorporated and the initial
175 governing documents must be recorded in the official records of

176 | the county in which the community is located. An association may
 177 | operate more than one community. The officers and directors of
 178 | an association are subject to s. 617.0830 and have a fiduciary
 179 | relationship to the members who are served by the association.
 180 | The powers and duties of an association include those set forth
 181 | in this chapter and, except as expressly limited or restricted
 182 | in this chapter, those set forth in the governing documents.
 183 | After control of the association is obtained by members other
 184 | than the developer, the association may institute, maintain,
 185 | settle, or appeal actions or hearings in its name on behalf of
 186 | all members concerning matters of common interest to the
 187 | members, including, but not limited to, the common areas; roof
 188 | or structural components of a building, or other improvements
 189 | for which the association is responsible; mechanical,
 190 | electrical, or plumbing elements serving an improvement or
 191 | building for which the association is responsible;
 192 | representations of the developer pertaining to any existing or
 193 | proposed commonly used facility; and protesting ad valorem taxes
 194 | on commonly used facilities. The association may defend actions
 195 | in eminent domain or bring inverse condemnation actions. Before
 196 | commencing litigation against any party in the name of the
 197 | association involving amounts in controversy in excess of
 198 | \$100,000, the association must obtain the affirmative approval
 199 | of a majority of the voting interests at a meeting of the
 200 | membership at which a quorum has been attained. This subsection

201 does not limit any statutory or common-law right of any
 202 individual member or class of members to bring any action
 203 without participation by the association. A member does not have
 204 authority to act for the association by virtue of being a
 205 member. An association may have more than one class of members
 206 and may issue membership certificates. An association of 15 or
 207 fewer parcel owners may enforce only the requirements of those
 208 deed restrictions established prior to the purchase of each
 209 parcel upon an affected parcel owner or owners.

210 (4) OFFICIAL RECORDS.—

211 (a) The association shall maintain each of the following
 212 items, when applicable, for at least 7 years, unless the
 213 governing documents of the association require a longer period
 214 of time, which constitute the official records of the
 215 association:

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

220 2.(b) A copy of the bylaws of the association and of each
 221 amendment to the bylaws.

222 3.(e) A copy of the articles of incorporation of the
 223 association and of each amendment thereto.

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

226 5.~~(e)~~ A copy of the current rules of the homeowners'
227 association.

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

231 7.~~(g)~~ A current roster of all members and their designated
232 mailing addresses and parcel identifications. A member's
233 designated mailing address is the member's property address,
234 unless the member has sent written notice to the association
235 requesting that a different mailing address be used for all
236 required notices. The association shall also maintain the e-mail
237 addresses and the facsimile numbers designated by members for
238 receiving notice sent by electronic transmission of those
239 members consenting to receive notice by electronic transmission.
240 A member's e-mail address is the e-mail address the member
241 provided when consenting in writing to receiving notice by
242 electronic transmission, unless the member has sent written
243 notice to the association requesting that a different e-mail
244 address be used for all required notices. The e-mail addresses
245 and facsimile numbers provided by members to receive notice by
246 electronic transmission must be removed from association records
247 when the member revokes consent to receive notice by electronic
248 transmission. However, the association is not liable for an
249 erroneous disclosure of the e-mail address or the facsimile
250 number for receiving electronic transmission of notices.

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

254 9.~~(i)~~ A current copy of all contracts to which the
 255 association is a party, including, without limitation, any
 256 management agreement, lease, or other contract under which the
 257 association has any obligation or responsibility. Bids received
 258 by the association for work to be performed are ~~must also be~~
 259 considered official records and must be kept for a period of 1
 260 year.

261 10.~~(j)~~ The financial and accounting records of the
 262 association, kept according to good accounting practices. ~~All~~
 263 ~~financial and accounting records must be maintained for a period~~
 264 ~~of at least 7 years.~~ The financial and accounting records must
 265 include:

266 a.1. Accurate, itemized, and detailed records of all
 267 receipts and expenditures.

268 b.2. A current account and a periodic statement of the
 269 account for each member, designating the name and current
 270 address of each member who is obligated to pay assessments, the
 271 due date and amount of each assessment or other charge against
 272 the member, the date and amount of each payment on the account,
 273 and the balance due.

274 c.3. All tax returns, financial statements, and financial
 275 reports of the association.

276 d.4. Any other records that identify, measure, record, or
 277 communicate financial information.

278 ~~11.(k)~~ A copy of the disclosure summary described in s.
 279 720.401(1).

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

284 ~~13.(m)~~ All affirmative acknowledgments made pursuant to s.
 285 720.3085(3)(c)3.

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

289 (b)1. By January 1, 2025, an association that has 100
 290 parcels or more shall post the following documents on its
 291 website or make available such documents through an application
 292 that can be downloaded on a mobile device:

293 a. The articles of incorporation of the association and
 294 each amendment thereto.

295 b. The recorded bylaws of the association and each
 296 amendment thereto.

297 c. The declaration of covenants and a copy of each
 298 amendment thereto.

299 d. The current rules of the association.

300 e. A list of all current executory contracts or documents

301 to which the association is a party or under which the
302 association or the parcel owners have an obligation or
303 responsibility and, after bidding for the related materials,
304 equipment, or services has closed, a list of bids received by
305 the association within the past year.

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

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

311 h. The association's current insurance policies.

312 i. The certification of each director as required by s.
313 720.3033(1)(a).

314 j. All contracts or transactions between the association
315 and any director, officer, corporation, firm, or association
316 that is not an affiliated homeowners' association or any other
317 entity in which a director of an association is also a director
318 or officer and has a financial interest.

319 k. Any contract or document regarding a conflict of
320 interest or possible conflict of interest as provided in ss.
321 468.436(2)(b)6. and 720.3033(2).

322 l. Notice of any scheduled meeting of members and the
323 agenda for the meeting, as required by s. 720.306, at least 14
324 days before such meeting. The notice must be posted in plain
325 view on the homepage of the website or application, or on a

326 separate subpage of the website or application labeled "Notices"
327 which is conspicuously visible and linked from the homepage. The
328 association must also post on its website or application any
329 document to be considered and voted on by the members during the
330 meeting or any document listed on the meeting agenda at least 7
331 days before the meeting at which such document or information
332 within the document will be considered.

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

337 2. The association's website or application must be
338 accessible through the Internet and must contain a subpage, web
339 portal, or other protected electronic location that is
340 inaccessible to the general public and accessible only to parcel
341 owners and employees of the association.

342 3. Upon written request by a parcel owner, the association
343 must provide the parcel owner with a username and password and
344 access to the protected sections of the association's website or
345 application which contains the official documents of the
346 association.

347 4. The association shall ensure that the information and
348 records described in paragraph (5)(g), which are not allowed to
349 be accessible to parcel owners, are not posted on the
350 association's website or application. If protected information

351 or information restricted from being accessible to parcel owners
352 is included in documents that are required to be posted on the
353 association's website or application, the association must
354 ensure the information is redacted before posting the documents.
355 Notwithstanding the foregoing, the association or its authorized
356 agent is not liable for disclosing information that is protected
357 or restricted under paragraph (5)(g) unless such disclosure was
358 made with a knowing or intentional disregard of the protected or
359 restricted nature of such information.

360 (c) The association shall adopt written rules governing
361 the method or policy by which the official records of the
362 association are to be retained and for how long such records
363 must be retained pursuant to paragraph (a). Such information
364 must be made available to the parcel owners through the
365 association's website or application.

366 (5) INSPECTION AND COPYING OF RECORDS.—

367 (a) Unless otherwise provided by law or the governing
368 documents of the association, the official records must ~~shall~~ be
369 maintained within the state for at least 7 years and ~~shall~~ be
370 made available to a parcel owner for inspection or photocopying
371 within 45 miles of the community or within the county in which
372 the association is located within 10 business days after receipt
373 by the board or its designee of a written request from the
374 parcel owner. This subsection may be complied with by having a
375 copy of the official records available for inspection or copying

376 in the community or, ~~at the option of the association,~~ by making
377 the records available to a parcel owner electronically via the
378 Internet or by allowing the records to be viewed in electronic
379 format on a computer screen and printed upon request. If the
380 association has a photocopy machine available where the records
381 are maintained, it must provide parcel owners with copies on
382 request during the inspection if the entire request is limited
383 to no more than 25 pages. An association shall allow a member or
384 his or her authorized representative to use a portable device,
385 including a smartphone, tablet, portable scanner, or any other
386 technology capable of scanning or taking photographs, to make an
387 electronic copy of the official records in lieu of the
388 association's providing the member or his or her authorized
389 representative with a copy of such records. The association may
390 not charge a fee to a member or his or her authorized
391 representative for the use of a portable device.

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

397 (c) ~~(b)~~ A member who is denied access to official records
398 is entitled to the actual damages or minimum damages for the
399 association's willful failure to comply with this subsection.
400 The minimum damages are to be \$50 per calendar day up to 10

401 days, the calculation to begin on the 11th business day after
402 receipt of the written request.

403 (d) Any director or member of the board or association or
404 a community association manager who knowingly, willfully, and
405 repeatedly violates paragraph (a), with the intent of causing
406 harm to the association or one or more of its members, commits a
407 misdemeanor of the second degree, punishable as provided in s.
408 775.082 or s. 775.083. For purposes of this paragraph, the term
409 "repeatedly" means two or more violations within a 12-month
410 period.

411 (e) Any person who knowingly and intentionally defaces or
412 destroys accounting records during the period in which such
413 records are required to be maintained, or who knowingly or
414 intentionally fails to create or maintain accounting records
415 that are required to be created or maintained, with the intent
416 of causing harm to the association or one or more of its
417 members, commits a misdemeanor of the first degree, punishable
418 as provided in s. 775.082 or s. 775.083.

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

425 (g)-(e) The association may adopt reasonable written rules

426 governing the frequency, time, location, notice, records to be
427 inspected, and manner of inspections, but may not require a
428 parcel owner to demonstrate any proper purpose for the
429 inspection, state any reason for the inspection, or limit a
430 parcel owner's right to inspect records to less than one 8-hour
431 business day per month. The association may impose fees to cover
432 the costs of providing copies of the official records, including
433 the costs of copying and the costs required for personnel to
434 retrieve and copy the records if the time spent retrieving and
435 copying the records exceeds one-half hour and if the personnel
436 costs do not exceed \$20 per hour. Personnel costs may not be
437 charged for records requests that result in the copying of 25 or
438 fewer pages. The association may charge up to 25 cents per page
439 for copies made on the association's photocopier. If the
440 association does not have a photocopy machine available where
441 the records are kept, or if the records requested to be copied
442 exceed 25 pages in length, the association may have copies made
443 by an outside duplicating service and may charge the actual cost
444 of copying, as supported by the vendor invoice. The association
445 shall maintain an adequate number of copies of the recorded
446 governing documents, to ensure their availability to members and
447 prospective members. Notwithstanding this subsection ~~paragraph~~,
448 the following records are not accessible to members or parcel
449 owners:

450 1. Any record protected by the lawyer-client privilege as

451 described in s. 90.502 and any record protected by the work-
452 product privilege, including, but not limited to, a record
453 prepared by an association attorney or prepared at the
454 attorney's express direction which reflects a mental impression,
455 conclusion, litigation strategy, or legal theory of the attorney
456 or the association and which was prepared exclusively for civil
457 or criminal litigation or for adversarial administrative
458 proceedings or which was prepared in anticipation of such
459 litigation or proceedings until the conclusion of the litigation
460 or proceedings.

461 2. Information obtained by an association in connection
462 with the approval of the lease, sale, or other transfer of a
463 parcel.

464 3. Information an association obtains in a gated community
465 in connection with guests' visits to parcel owners or community
466 residents.

467 4. Personnel records of association or management company
468 employees, including, but not limited to, disciplinary, payroll,
469 health, and insurance records. For purposes of this
470 subparagraph, the term "personnel records" does not include
471 written employment agreements with an association or management
472 company employee or budgetary or financial records that indicate
473 the compensation paid to an association or management company
474 employee.

475 5. Medical records of parcel owners or community

476 residents.

477 6. Social security numbers, driver license numbers, credit
478 card numbers, electronic mailing addresses, telephone numbers,
479 facsimile numbers, emergency contact information, any addresses
480 for a parcel owner other than as provided for association notice
481 requirements, and other personal identifying information of any
482 person, excluding the person's name, parcel designation, mailing
483 address, and property address. Notwithstanding the restrictions
484 in this subparagraph, an association may print and distribute to
485 parcel owners a directory containing the name, parcel address,
486 and all telephone numbers of each parcel owner. However, an
487 owner may exclude his or her telephone numbers from the
488 directory by so requesting in writing to the association. An
489 owner may consent in writing to the disclosure of other contact
490 information described in this subparagraph. The association is
491 not liable for the disclosure of information that is protected
492 under this subparagraph if the information is included in an
493 official record of the association and is voluntarily provided
494 by an owner and not requested by the association.

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

497 8. The software and operating system used by the
498 association which allows the manipulation of data, even if the
499 owner owns a copy of the same software used by the association.
500 The data is part of the official records of the association.

501 9. All affirmative acknowledgments made pursuant to s.
 502 720.3085(3)(c)3.

503 ~~(h)-(d)~~ The association or its authorized agent is not
 504 required to provide a prospective purchaser or lienholder with
 505 information about the residential subdivision or the association
 506 other than information or documents required by this chapter to
 507 be made available or disclosed. The association or its
 508 authorized agent may charge a reasonable fee to the prospective
 509 purchaser or lienholder or the current parcel owner or member
 510 for providing good faith responses to requests for information
 511 by or on behalf of a prospective purchaser or lienholder, other
 512 than that required by law, if the fee does not exceed \$150 plus
 513 the reasonable cost of photocopying and any attorney fees
 514 incurred by the association in connection with the response.

515 (i) If an association receives a subpoena for records from
 516 a law enforcement agency, the association must provide a copy of
 517 such records or otherwise make the records available for
 518 inspection and copying to a law enforcement agency within 5
 519 business days after receipt of the subpoena, unless otherwise
 520 specified by the law enforcement agency or subpoena. An
 521 association must assist a law enforcement agency in its
 522 investigation to the extent permissible by law.

523 (6) BUDGETS.—

524 (f) After one or more reserve accounts are established,
 525 the membership of the association, upon a majority vote at a

526 meeting at which a quorum is present, may provide for no
527 reserves or less reserves than required by this section. If a
528 meeting of the parcel ~~unit~~ owners has been called to determine
529 whether to waive or reduce the funding of reserves and such
530 result is not achieved or a quorum is not present, the reserves
531 as included in the budget go into effect. After the turnover,
532 the developer may vote its voting interest to waive or reduce
533 the funding of reserves. Any vote taken pursuant to this
534 subsection to waive or reduce reserves is applicable only to one
535 budget year.

536 (7) FINANCIAL REPORTING.—Within 90 days after the end of
537 the fiscal year, or annually on the date provided in the bylaws,
538 the association shall prepare and complete, or contract with a
539 third party for the preparation and completion of, a financial
540 report for the preceding fiscal year. Within 21 days after the
541 final financial report is completed by the association or
542 received from the third party, but not later than 120 days after
543 the end of the fiscal year or other date as provided in the
544 bylaws, the association shall, within the time limits set forth
545 in subsection (5), provide each member with a copy of the annual
546 financial report or a written notice that a copy of the
547 financial report is available upon request at no charge to the
548 member. Financial reports shall be prepared as follows:

549 (a) An association that meets the criteria of this
550 paragraph shall prepare or cause to be prepared a complete set

551 of financial statements in accordance with generally accepted
552 accounting principles as adopted by the Board of Accountancy.
553 The financial statements shall be based upon the association's
554 total annual revenues, as follows:

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

558 2. An association with total annual revenues of at least
559 \$300,000, but less than \$500,000, shall prepare reviewed
560 financial statements.

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

563 4. An association with at least 1,000 parcels must prepare
564 audited financial statements, notwithstanding the association's
565 total annual revenues.

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

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

571 2. A report of cash receipts and expenditures or a
572 compiled financial statement in lieu of a reviewed or audited
573 financial statement; or

574 3. A report of cash receipts and expenditures, a compiled
575 financial statement, or a reviewed financial statement in lieu

576 | of an audited financial statement.

577 |

578 | An association may not prepare a financial statement pursuant to
579 | this paragraph for consecutive fiscal years.

580 | (13) DEBIT CARDS.—

581 | (a) An association and its officers, directors, employees,
582 | and agents may not use a debit card issued in the name of the
583 | association, or billed directly to the association, for the
584 | payment of any association expenses.

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

589 |

590 | For the purposes of this subsection, the term "lawful obligation
591 | of the association" means an obligation that has been properly
592 | preapproved by the board and is reflected in the meeting minutes
593 | or the written budget.

594 | (14) REQUIREMENT TO PROVIDE AN ACCOUNTING.—A parcel owner
595 | may make a written request to the board for a detailed
596 | accounting of any amounts he or she owes to the association
597 | related to the parcel and the board shall provide such
598 | information within 10 business days after receipt of the written
599 | request. The parcel owner may provide to the board a written
600 | authorization for any occupant, licensee, or invitee of the

601 parcel owner to make a written request to the board for a
602 detailed accounting of any amounts he or she owes to the
603 association related to the parcel. The board shall provide to
604 the occupant, licensee, or invitee of such parcel owner, and
605 provide a copy to the parcel owner, such information within 10
606 business days after receipt of the request. After a parcel
607 owner, an occupant, a licensee, or an invitee makes such written
608 request to the board, he or she may not request another detailed
609 accounting for at least 90 calendar days. Failure by the board
610 to respond within 10 business days to a written request for a
611 detailed accounting constitutes a complete waiver of any
612 outstanding fines of the person who requested such accounting.

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

615 720.3033 Officers and directors.—

616 (1)(a) Within 90 days after being elected or appointed to
617 the board, each ~~director shall certify in writing to the~~
618 ~~secretary of the association that he or she has read the~~
619 ~~association's declaration of covenants, articles of~~
620 ~~incorporation, bylaws, and current written rules and policies;~~
621 ~~that he or she will work to uphold such documents and policies~~
622 ~~to the best of his or her ability; and that he or she will~~
623 ~~faithfully discharge his or her fiduciary responsibility to the~~
624 ~~association's members. Within 90 days after being elected or~~
625 ~~appointed to the board, in lieu of such written certification,~~

626 ~~the newly elected or appointed~~ director must ~~may~~ submit a
627 certificate of having satisfactorily completed the educational
628 curriculum administered by a department-approved ~~division-~~
629 ~~approved~~ education provider.

630 1. The newly elected or appointed director must complete
631 the department-approved education for newly elected or appointed
632 directors within 90 days after being elected or appointed.

633 2. The certificate of completion is valid for a up to 4
634 years.

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

637 4. The department-approved educational curriculum specific
638 to newly elected or appointed directors must include training
639 relating to financial literacy and transparency, recordkeeping,
640 levying of fines, and notice and meeting requirements.

641 5. In addition to the educational curriculum specific to
642 newly elected or appointed directors:

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

646 b. A director of an association that has 2,500 parcels or
647 more must complete at least 8 hours of continuing education
648 annually ~~within 1 year before or 90 days after the date of~~
649 ~~election or appointment.~~

650 (b) ~~The written certification or educational certificate~~

651 ~~is valid for the uninterrupted tenure of the director on the~~
652 ~~board.~~ A director who does not timely file the ~~written~~
653 ~~certification or~~ educational certificate is ~~shall be~~ suspended
654 from the board until he or she complies with the requirement.
655 The board may temporarily fill the vacancy during the period of
656 suspension.

657 (c) The association shall retain each director's ~~written~~
658 ~~certification or~~ educational certificate for inspection by the
659 members for 5 years after the director's election. However, the
660 failure to have the written certification or educational
661 certificate on file does not affect the validity of any board
662 action.

663 (d) The department shall adopt rules to implement and
664 administer the educational curriculum and continuing education
665 requirements under this subsection.

666 (3) An officer, a director, or a manager may not solicit,
667 offer to accept, or accept a kickback. As used in this
668 subsection, the term "kickback" means any thing or service of
669 value for which consideration has not been provided for an
670 officer's, a director's, or a manager's ~~his or her~~ benefit or
671 for the benefit of a member of his or her immediate family from
672 any person providing or proposing to provide goods or services
673 to the association. An officer, a director, or a manager who
674 knowingly solicits, offers to accept, or accepts a ~~any thing or~~
675 ~~service of value or~~ kickback commits a felony of the third

676 degree, punishable as provided in s. 775.082, 775.083, or s.
 677 775.084, and for which consideration has not been provided for
 678 his or her own benefit or that of his or her immediate family
 679 from any person providing or proposing to provide goods or
 680 services to the association is subject to monetary damages under
 681 s. 617.0834. If the board finds that an officer or a director
 682 has violated this subsection, the board shall immediately remove
 683 the officer or director from office. The vacancy shall be filled
 684 according to law until the end of the officer's or director's
 685 term of office. However, an officer, a director, or a manager
 686 may accept food to be consumed at a business meeting with a
 687 value of less than \$25 per individual or a service or good
 688 received in connection with trade fairs or education programs.

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

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

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

696 3. Destruction of or the refusal to allow inspection or
 697 copying of an official record of a homeowners' association which
 698 is accessible to parcel owners within the time periods required
 699 by general law, in furtherance of any crime. Such act
 700 constitutes tampering with physical evidence as provided in s.

701 918.13.

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

703 5. Any criminal violation under this chapter.

704 Section 5. Subsections (1) and (4) of section 720.3035,

705 Florida Statutes, are amended, and subsection (6) is added to

706 that section, to read:

707 720.3035 Architectural control covenants; parcel owner

708 improvements; rights and privileges.—

709 (1) (a) The authority of an association or any

710 architectural, construction improvement, or other such similar

711 committee of an association to review and approve plans and

712 specifications for the location, size, type, or appearance of

713 any structure or other improvement on a parcel, or to enforce

714 standards for the external appearance of any structure or

715 improvement located on a parcel, shall be permitted only to the

716 extent that the authority is specifically stated or reasonably

717 inferred as to such location, size, type, or appearance in the

718 declaration of covenants or other published guidelines and

719 standards authorized by the declaration of covenants. An

720 association or any architectural, construction improvement, or

721 similar committee of an association must reasonably and

722 equitably apply and enforce on all parcel owners the

723 architectural and construction improvement standards authorized

724 by the declaration of covenants or other published guidelines

725 and standards authorized by the declaration of covenants.

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

729 1. Limits or places requirements on the interior of a
 730 structure that is not visible from the parcel's frontage or an
 731 adjacent parcel.

732 2. Requires the review and approval of plans and
 733 specifications for a central air-conditioning, refrigeration,
 734 heating, or ventilating system by the association or any
 735 architectural, construction improvement, or other such similar
 736 committee of an association, if such system is not visible from
 737 the parcel's frontage and is substantially similar to a system
 738 that is approved or recommended by the association or a
 739 committee thereof.

740 (4)(a) Each parcel owner is shall be entitled to the
 741 rights and privileges set forth in the declaration of covenants
 742 or other published guidelines and standards authorized by the
 743 declaration of covenants concerning the architectural use of the
 744 parcel, and the construction of permitted structures and
 745 improvements on the parcel. ~~and~~ Such rights and privileges may
 746 ~~shall~~ not be unreasonably infringed upon or impaired by the
 747 association or any architectural, construction improvement, or
 748 other such similar committee of the association. If the
 749 association or any architectural, construction improvement, or
 750 other such similar committee of the association denies a parcel

751 owner's request or application for the construction of a
752 structure or other improvement on a parcel, the association or
753 committee must provide written notice to the parcel owner
754 stating with specificity the rule or covenant on which the
755 association or committee relied when denying the request or
756 application and the specific aspect or part of the proposed
757 improvement that does not conform to such rule or covenant.

758 (b) If a parcel owner's rights and privileges have been
759 unreasonably infringed upon or impaired by a decision concerning
760 the architectural use of his or her parcel or the construction
761 of permitted structures and improvements on such parcel by the
762 association or any architectural, construction improvement, or
763 other such similar committee of the association, the association
764 must provide the parcel owner with the ability to appeal such
765 decision to an appeals committee that consists of at least three
766 members appointed by the board who are not officers, directors,
767 or employees of the association or members of the architectural,
768 construction improvement, or other similar committee of the
769 association. The appeals committee has the right to reverse,
770 modify, or affirm the decision being appealed. A parcel owner
771 may appeal a decision of the association or any architectural,
772 construction improvement, or other such similar committee of the
773 association within 90 days after the owner receives written
774 notification of the initial decision. The appeals committee must
775 make a decision on the issue under appeal within 60 days after

776 receiving a parcel owner's request for an appeal.

777 (c) If the association or any architectural, construction
 778 improvement, or other such similar committee of the association
 779 should unreasonably, knowingly, and willfully infringe upon or
 780 impair the rights and privileges set forth in the declaration of
 781 covenants or other published guidelines and standards authorized
 782 by the declaration of covenants, the adversely affected parcel
 783 owner ~~is shall be~~ entitled to recover damages caused by such
 784 infringement or impairment, including any costs and reasonable
 785 attorney ~~attorney's~~ fees incurred in preserving or restoring the
 786 rights and privileges of the parcel owner set forth in the
 787 declaration of covenants or other published guidelines and
 788 standards authorized by the declaration of covenants.

789 (6)(a) To protect the health, safety, and welfare of the
 790 people of the state and to ensure uniformity and consistency in
 791 the hurricane protection installed by parcel owners, this
 792 subsection applies to all homeowners' associations in the state,
 793 regardless of when the community was created. The board or any
 794 architectural, construction improvement, or other such similar
 795 committee of an association must adopt hurricane protection
 796 specifications for each structure or other improvement on a
 797 parcel governed by the association. The specifications may
 798 include the color and style of hurricane protection products and
 799 any other factor deemed relevant by the board. All
 800 specifications adopted by the board must comply with the

801 applicable building code.

802 (b) Notwithstanding any other provision in the governing
803 documents of the association, the board or any architectural,
804 construction improvement, or other such similar committee may
805 not deny an application for the installation, enhancement, or
806 replacement of hurricane protection by a parcel owner which
807 conforms to the specifications adopted by the board or
808 committee. The board or committee may require a parcel owner to
809 adhere to an existing unified building scheme regarding the
810 external appearance of the structure or other improvement on the
811 parcel.

812 (c) For purposes of this subsection, the term "hurricane
813 protection" includes, but is not limited to, roof systems
814 recognized by the Florida Building Code that meet ASCE 7-22
815 standards, permanent fixed storm shutters, roll-down track storm
816 shutters, impact-resistant windows and doors, polycarbonate
817 panels, reinforced garage doors, erosion controls, exterior
818 fixed generators, fuel storage tanks, and other hurricane
819 protection products used to preserve and protect the structures
820 or improvements on a parcel governed by the association.

821 Section 6. Section 720.3045, Florida Statutes, is amended
822 to read:

823 720.3045 Installation, display, and storage of items.—
824 Regardless of any covenants, restrictions, bylaws, rules, or
825 requirements of an association, and unless prohibited by general

826 law or local ordinance, an association may not restrict parcel
 827 owners or their tenants from installing, displaying, or storing
 828 any items on a parcel which are not visible from the parcel's
 829 frontage or an adjacent parcel, including, but not limited to,
 830 artificial turf, boats, flags, vegetable gardens, clotheslines,
 831 and recreational vehicles.

832 Section 7. Subsection (2) of section 720.305, Florida
 833 Statutes, is amended, and subsections (7) through (10) are added
 834 to that section, to read:

835 720.305 Obligations of members; remedies at law or in
 836 equity; levy of fines and suspension of use rights.-

837 (2) An association may levy reasonable fines for
 838 violations of the declaration, association bylaws, or reasonable
 839 rules of the association. A fine may not exceed \$100 per
 840 violation against any member or any member's tenant, guest, or
 841 invitee for the failure of the owner of the parcel or its
 842 occupant, licensee, or invitee to comply with any provision of
 843 the declaration, the association bylaws, or reasonable rules of
 844 the association unless otherwise provided in the governing
 845 documents. A fine may be levied by the board for each day of a
 846 continuing violation, with a single notice and opportunity for
 847 hearing, except that the fine may not exceed \$1,000 in the
 848 aggregate unless otherwise provided in the governing documents.
 849 A fine of less than \$1,000 may not become a lien against a
 850 parcel. A fine that amounts to less than 1 percent of the

851 parcel's just value as determined by the property appraiser in
852 accordance with chapter 193 at the time the fine was levied may
853 only become a lien against the parcel with approval by 75
854 percent of the total membership of parcel owners, and fines may
855 not be aggregated to create a lien against a parcel. In any
856 action to recover a fine, the prevailing party is entitled to
857 reasonable attorney fees and costs from the nonprevailing party
858 as determined by the court.

859 (a) An association may suspend, for a reasonable period of
860 time, the right of a member, or a member's tenant, guest, or
861 invitee, to use common areas and facilities for the failure of
862 the owner of the parcel or its occupant, licensee, or invitee to
863 comply with any provision of the declaration, the association
864 bylaws, or reasonable rules of the association. This paragraph
865 does not apply to that portion of common areas used to provide
866 access or utility services to the parcel. A suspension may not
867 prohibit an owner or tenant of a parcel from having vehicular
868 and pedestrian ingress to and egress from the parcel, including,
869 but not limited to, the right to park.

870 (b) A fine or suspension levied by the board of
871 administration may not be imposed unless the board first
872 provides at least 14 days' written notice of the parcel owner's
873 right to a hearing to the parcel owner at his or her designated
874 mailing or e-mail address in the association's official records
875 and, if applicable, to any occupant, licensee, or invitee of the

876 parcel owner, sought to be fined or suspended. Such and a
877 hearing must be held within 30 days after issuance of the notice
878 before a committee of at least three members appointed by the
879 board who are not officers, directors, or employees of the
880 association, or the spouse, parent, child, brother, or sister of
881 an officer, director, or employee. The committee may hold the
882 hearing by telephone or other electronic means. The notice must
883 include a description of the alleged violation; the specific
884 action required to cure such violation, if applicable; and the
885 hearing date, and location, and access information if held by
886 telephone or other electronic means of the hearing. A parcel
887 owner has the right to attend a hearing by telephone or other
888 electronic means.

889 (c) If the committee, by majority vote, does not approve a
890 proposed fine or suspension, the proposed fine or suspension may
891 not be imposed. The role of the committee is limited to
892 determining whether to confirm or reject the fine or suspension
893 levied by the board. If the committee, by majority vote,
894 determines that a violation does not exist, no other action may
895 be taken related to the alleged violation.

896 (d) Within 7 days after the hearing, the committee shall
897 provide written notice to the parcel owner at his or her
898 designated mailing or e-mail address in the association's
899 official records and, if applicable, any occupant, licensee, or
900 invitee of the parcel owner, of the committee's findings related

901 to the violation, including any applicable fines or suspensions
902 that the committee approved or rejected, and how the parcel
903 owner or any occupant, licensee, or invitee of the parcel owner
904 may cure the violation, if applicable, or fulfill a suspension,
905 or the date by which a fine must be paid.

906 (e) If a violation is found by the committee, but has been
907 cured before the hearing or in the manner specified in the
908 written notice required in paragraph (b) or paragraph (d), a
909 fine or suspension may not be imposed. Attorney fees and costs
910 may not be awarded against the parcel owner.

911 (f)-(e) If a violation found by the committee is not cured
912 and the proposed fine or suspension levied by the board is
913 approved by the committee by a majority vote, the committee must
914 set a date by which the fine must be paid, which date must be at
915 least 30 days after delivery of the written notice required in
916 paragraph (d). Attorney fees and costs may not be awarded
917 against the parcel owner based on actions taken by the board
918 before the date set for the fine to be paid.

919 (g) If a violation is found by the committee and the
920 proposed fine or suspension levied by the board is approved by
921 the committee and the violation is not cured or the fine is not
922 paid per the written notice required in paragraph (d),
923 reasonable attorney fees and costs may be awarded to the
924 association. Attorney fees and costs may not begin to accrue
925 until after the date noticed for payment under paragraph (d) and

926 the time for an appeal has expired.

927 (h) Upon receipt of a payment for any outstanding fines
928 from a parcel owner or any occupant, licensee, or invitee of the
929 parcel owner, the board must apply the payment first to the fine
930 before satisfying any other amounts due to the association.

931 Attorney fees and costs may not continue to accrue after a
932 parcel owner or any occupant, licensee, or invitee of the parcel
933 owner pays the fine.

934 (i) A parcel owner or any occupant, licensee, or invitee
935 of the parcel owner may request a hearing before the board to
936 dispute the reasonableness of the attorney fees and costs
937 awarded to the association.

938 (j) The failure of the association to comply with this
939 subsection constitutes a waiver of all fines or suspensions
940 imposed or proposed for a violation.

941 (7) If an association allows a fine to be levied for an
942 infraction relating to lawn, landscaping, or grass maintenance,
943 such fine may not become a lien on a parcel.

944 (8) If an association allows a fine to be levied or a
945 suspension to be imposed against a parcel owner or an occupant,
946 a licensee, a guest, or an invitee of the parcel owner for a
947 traffic infraction, such infraction must be determined and
948 issued by a board-approved nonaffiliated third party
949 specializing in traffic infractions before such fine may be
950 levied or suspension imposed. A fine for a traffic infraction

951 may not become a lien on a parcel. However, a fine may not be
952 imposed against a parcel owner for a speeding violation
953 committed by his or her occupant, licensee, guest, or invitee.
954 For purposes of this paragraph, the term "traffic infraction"
955 means a noncriminal violation of parking and traffic rules
956 adopted by the state, county, municipality, or association.

957 (9) Notwithstanding any provision to the contrary in an
958 association's governing documents, an association may not levy a
959 fine or impose a suspension for any of the following:

960 (a) Leaving garbage receptacles at the curb or end of the
961 driveway within 24 hours before or after the designated garbage
962 collection day or time.

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

968 (10) An association may not enforce a new rule or covenant
969 against a parcel owner for an action that took place before the
970 new rule or covenant was enacted ~~fine payment is due 5 days~~
971 ~~after notice of the approved fine required under paragraph (d)~~
972 ~~is provided to the parcel owner and, if applicable, to any~~
973 ~~occupant, licensee, or invitee of the parcel owner. The~~
974 ~~association must provide written notice of such fine or~~
975 ~~suspension by mail or hand delivery to the parcel owner and, if~~

976 ~~applicable, to any occupant, licensee, or invitee of the parcel~~
 977 ~~owner.~~

978 Section 8. Subsection (3) of section 720.3075, Florida
 979 Statutes, is amended, and paragraph (c) is added to subsection
 980 (4) of that section, to read:

981 720.3075 Prohibited clauses in association documents.—

982 (3) Homeowners' association documents, including
 983 declarations of covenants, articles of incorporation, or bylaws,
 984 may not preclude:

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

990 (b) A property owner or a tenant, a guest, or an invitee
 991 of the property owner from parking his or her personal vehicle,
 992 including a pickup truck, in the property owner's driveway, in
 993 common parking lots, on public roads and rights-of-way, or in
 994 any other area at which the property owner or the property
 995 owner's tenant, guest, or invitee has a right to park as
 996 governed by state, county, and municipal regulations. The
 997 homeowners' association documents, including declarations of
 998 covenants, articles of incorporation, or bylaws, may not
 999 prohibit, regardless of any official insignia or visible
 1000 designation, a property owner or a tenant, a guest, or an

1001 invitee of the property owner from parking his or her work
1002 vehicle, which is not a commercial motor vehicle as defined in
1003 s. 320.01(25), in the property owner's driveway.

1004 (c) A property owner from inviting, hiring, or allowing
1005 entry to a contractor or worker on the owner's parcel solely
1006 because the contractor or worker is not on a preferred vendor
1007 list of the association. Additionally, homeowners' association
1008 documents may not preclude a property owner from inviting,
1009 hiring, or allowing entry to a contractor or worker on his or
1010 her parcel solely because the contractor or worker does not have
1011 a professional or an occupational license. The association may
1012 not require a contractor or worker to present or prove
1013 possession of a professional or an occupational license to be
1014 allowed entry onto a property owner's parcel.

1015 (d) Operating a vehicle that is not a commercial motor
1016 vehicle as defined in s. 320.01(25) in conformance with state
1017 traffic laws, on public roads or rights-of-way or the property
1018 owner's parcel.

1019 (e) A property owner from installing code-compliant
1020 hurricane protection or home hardening, such as hurricane
1021 shutters, impact glass, code-compliant windows or doors, or
1022 other similar protection that complies with or exceeds the
1023 applicable building code.

1024 (f) A property owner from installing a roof system
1025 recognized by the Florida Building Code that meets ASCE 7-22

1026 standards, artificial turf, vegetable garden, or clotheslines or
 1027 other energy-efficient device.

1028 (4)

1029 (c) Homeowners' association documents, including
 1030 declarations of covenants, articles of incorporation, or bylaws,
 1031 may not limit landscaping to grass-only or grass-majority lawns,
 1032 or require mandatory watering for property owners. However, the
 1033 association documents may provide designated timeframes for the
 1034 parcel owners to follow related to the use of water for purposes
 1035 of watering landscaping if the parcel owners choose to water.

1036 Section 9. Subsection (3) of section 720.308, Florida
 1037 Statutes, is amended, and subsection (7) is added to that
 1038 section, to read:

1039 720.308 Assessments and charges.—

1040 (3) MAXIMUM LEVEL OF ASSESSMENTS.—

1041 (a) The stated dollar amount of the guarantee must ~~shall~~
 1042 be an exact dollar amount for each parcel identified in the
 1043 declaration. Regardless of the stated dollar amount of the
 1044 guarantee, assessments charged to a member may ~~shall~~ not exceed
 1045 the maximum obligation of the member based on the total amount
 1046 of the adopted budget and the member's proportionate share of
 1047 the expenses as described in the governing documents.

1048 (b) Notwithstanding more restrictive limitations placed on
 1049 the board by the governing documents and under paragraph (c),
 1050 the board may not impose a regular assessment, excluding an

1051 assessment for the association's insurance policy premium, which
1052 is more than 10 percent greater than the regular assessment for
1053 the association's preceding fiscal year or impose special
1054 assessments that in the aggregate exceed 5 percent of the
1055 budgeted gross expenses of the association for that fiscal year
1056 without the approval of at least 60 percent of voting members at
1057 a member meeting.

1058 (c) The board may increase regular assessments or special
1059 assessments beyond the limits in paragraph (b) if such increase
1060 is necessary for the immediate physical protection of property
1061 or public safety.

1062 (d) While the developer is in control, the developer may
1063 increase regular assessments or special assessments beyond the
1064 limits in paragraph (b).

1065 (e) If an association's insurance policy premium increases
1066 by more than 25 percent over the preceding fiscal year's
1067 premium, the association must solicit at least two additional
1068 insurance quotes from an insurer other than the insurer
1069 providing the initial quote. The board must present such quotes
1070 to the members of the association at a member meeting for the
1071 consideration by the members. The determination on whether to
1072 accept the initial quote, which was for more than 25 percent of
1073 the preceding fiscal year's premium, or accept another quote
1074 from another insurer must be voted on by the members and
1075 determined by majority vote.

1076 (7) LIENS.—An assessment that amounts to less than 1
 1077 percent of the parcel's just value as determined by the property
 1078 appraiser in accordance with chapter 193 at the time of the
 1079 assessment may not become a lien against the parcel or the basis
 1080 of a claim of lien against a parcel without the approval of a
 1081 majority of voting members at a member meeting.

1082 Section 10. Subsections (1) and (3) of section 720.3085,
 1083 Florida Statutes, are amended to read:

1084 720.3085 Payment for assessments; lien claims.—

1085 (1) When authorized by the governing documents, the
 1086 association has a lien on each parcel to secure the payment of
 1087 assessments and other amounts provided for by this section.
 1088 Except as otherwise set forth in this section, the lien is
 1089 effective from and shall relate back to the date on which the
 1090 original declaration of the community was recorded. However, as
 1091 to ~~first~~ mortgages of record, the lien is effective from and
 1092 after recording of a claim of lien in the public records of the
 1093 county in which the parcel is located. ~~This subsection does not~~
 1094 ~~bestow upon any lien, mortgage, or certified judgment of record~~
 1095 ~~on July 1, 2008, including the lien for unpaid assessments~~
 1096 ~~created in this section, a priority that, by law, the lien,~~
 1097 ~~mortgage, or judgment did not have before July 1, 2008.~~

1098 (a) To be valid, a claim of lien must state the
 1099 description of the parcel, the name of the record owner, the
 1100 name and address of the association, the assessment amount due,

1101 and the due date. The claim of lien secures all unpaid
 1102 assessments that are due and that may accrue subsequent to the
 1103 recording of the claim of lien and before entry of a certificate
 1104 of title, as well as interest, late charges, and reasonable
 1105 costs and attorney fees incurred by the association incident to
 1106 the collection process. The person making payment is entitled to
 1107 a satisfaction of the lien upon payment in full.

1108 (b) By recording a notice in substantially the following
 1109 form, a parcel owner or the parcel owner's agent or attorney may
 1110 require the association to enforce a recorded claim of lien
 1111 against his or her parcel:

1112
 1113 NOTICE OF CONTEST OF LIEN

1114 TO: ... (Name and address of association)...

1115 You are notified that the undersigned contests the
 1116 claim of lien filed by you on, ... (year) ..., and
 1117 recorded in Official Records Book at page,
 1118 of the public records of County, Florida, and
 1119 that the time within which you may file suit to
 1120 enforce your lien is limited to 90 days following the
 1121 date of service of this notice. Executed this day
 1122 of, ... (year)

1123 Signed: ... (Owner or Attorney) ...

1124
 1125 After the notice of a contest of lien has been recorded, the

1126 clerk of the circuit court shall mail a copy of the recorded
1127 notice to the association by certified mail, return receipt
1128 requested, at the address shown in the claim of lien or the most
1129 recent amendment to it and shall certify to the service on the
1130 face of the notice. Service is complete upon mailing. After
1131 service, the association has 90 days in which to file an action
1132 to enforce the lien and, if the action is not filed within the
1133 90-day period, the lien is void. However, the 90-day period
1134 shall be extended for any length of time that the association is
1135 prevented from filing its action because of an automatic stay
1136 resulting from the filing of a bankruptcy petition by the parcel
1137 owner or by any other person claiming an interest in the parcel.

1138 (c) The association may bring an action in its name to
1139 foreclose a lien for assessments in the same manner in which a
1140 mortgage of real property is foreclosed and may also bring an
1141 action to recover a money judgment for the unpaid assessments
1142 without waiving any claim of lien. The association is entitled
1143 to recover its reasonable attorney's fees incurred in an action
1144 to foreclose a lien or an action to recover a money judgment for
1145 unpaid assessments.

1146 (d) A release of lien must be in substantially the
1147 following form:

1148
1149 RELEASE OF LIEN

1150 The undersigned lienor, in consideration of the final

1151 payment in the amount of \$...., hereby waives and
 1152 releases its lien and right to claim a lien for unpaid
 1153 assessments through, ...(year)..., recorded in
 1154 the Official Records Book at Page, of the
 1155 public records of County, Florida, for the
 1156 following described real property:
 1157 (PARCEL NO. OR LOT AND BLOCK) OF ...(subdivision
 1158 name)... SUBDIVISION AS SHOWN IN THE PLAT THEREOF,
 1159 RECORDED AT PLAT BOOK, PAGE, OF THE OFFICIAL
 1160 RECORDS OF COUNTY, FLORIDA.
 1161 ...(or insert appropriate metes and bounds description
 1162 here)..
 1163 ...(Signature of Authorized Agent).....(Signature of Witness)..
 1164 ...(Print Name)...(Print Name)..
 1165(Signature of Witness)..
 1166(Print Name)..
 1167 Sworn to (or affirmed) and subscribed before me this
 1168 day of, ...(year)..., by ...(name of person
 1169 making statement)....
 1170 ...(Signature of Notary Public)..
 1171 ...(Print, type, or stamp commissioned name of Notary
 1172 Public)..
 1173 Personally Known OR Produced as
 1174 identification.
 1175

1176 (e) If the parcel owner remains in possession of the
1177 parcel after a foreclosure judgment has been entered, the court
1178 may require the parcel owner to pay a reasonable rent for the
1179 parcel. If the parcel is rented or leased during the pendency of
1180 the foreclosure action, the association is entitled to the
1181 appointment of a receiver to collect the rent. The expenses of
1182 the receiver must be paid by the party who does not prevail in
1183 the foreclosure action.

1184 (f) The association may purchase the parcel at the
1185 foreclosure sale and hold, lease, mortgage, or convey the
1186 parcel.

1187 (3) Assessments and installments on assessments that are
1188 not paid when due bear interest from the due date until paid at
1189 the rate provided in the declaration of covenants or the bylaws
1190 of the association, which rate may not exceed the rate allowed
1191 by law. If no rate is provided in the declaration or bylaws,
1192 simple interest accrues at the rate of 18 percent per year.
1193 Notwithstanding the declaration or bylaws, compound interest may
1194 not accrue on assessments and installments on assessments that
1195 are not paid when due.

1196 (a) If the declaration or bylaws so provide, the
1197 association may also charge an administrative late fee not to
1198 exceed the greater of \$25 or 5 percent of the amount of each
1199 installment that is paid past the due date.

1200 (b) Any payment received by an association and accepted

1201 shall be applied first to any interest accrued, then to any
1202 administrative late fee, then to any costs and reasonable
1203 attorney fees incurred in collection, and then to the delinquent
1204 assessment. This paragraph applies notwithstanding any
1205 restrictive endorsement, designation, or instruction placed on
1206 or accompanying a payment. A late fee is not subject to the
1207 provisions of chapter 687 and is not a fine. The foregoing is
1208 applicable notwithstanding s. 673.3111, any purported accord and
1209 satisfaction, or any restrictive endorsement, designation, or
1210 instruction placed on or accompanying a payment. The preceding
1211 sentence is intended to clarify existing law.

1212 (c)1. If an association sends out an invoice for
1213 assessments or a parcel's statement of the account described in
1214 s. 720.303(4)(a)10.b. ~~s. 720.303(4)(j)2.~~, the invoice for
1215 assessments or the parcel's statement of account must be
1216 delivered to the parcel owner by first-class United States mail
1217 or by electronic transmission to the parcel owner's e-mail
1218 address maintained in the association's official records.

1219 2. Before changing the method of delivery for an invoice
1220 for assessments or the statement of the account, the association
1221 must deliver a written notice of such change to each parcel
1222 owner. The written notice must be delivered to the parcel owner
1223 at least 30 days before the association sends the invoice for
1224 assessments or the statement of the account by the new delivery
1225 method. The notice must be sent by first-class United States

1226 mail to the owner at his or her last address as reflected in the
1227 association's records and, if such address is not the parcel
1228 address, must be sent by first-class United States mail to the
1229 parcel address. Notice is deemed to have been delivered upon
1230 mailing as required by this subparagraph.

1231 3. A parcel owner must affirmatively acknowledge his or
1232 her understanding that the association will change its method of
1233 delivery of the invoice for assessments or the statement of the
1234 account before the association may change the method of
1235 delivering an invoice for assessments or the statement of
1236 account. The parcel owner may make the affirmative
1237 acknowledgment electronically or in writing.

1238 (d) An association may not require payment of attorney
1239 fees related to a past due assessment without first delivering a
1240 written notice of late assessment to the parcel owner which
1241 specifies the amount owed the association and provides the
1242 parcel owner an opportunity to pay the amount owed without the
1243 assessment of attorney fees. The notice of late assessment must
1244 be sent by first-class United States mail to the owner at his or
1245 her last address as reflected in the association's records and,
1246 if such address is not the parcel address, must also be sent by
1247 first-class United States mail to the parcel address. Notice is
1248 deemed to have been delivered upon mailing as required by this
1249 paragraph. A rebuttable presumption that an association mailed a
1250 notice in accordance with this paragraph is established if a

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1251 board member, officer, or agent of the association, or a manager
 1252 licensed under part VIII of chapter 468, provides a sworn
 1253 affidavit attesting to such mailing. The notice must be in
 1254 substantially the following form:

1255 NOTICE OF LATE ASSESSMENT

1256 RE: Parcel of ...(name of association)...

1257 The following amounts are currently due on your account to
 1258 ...(name of association)..., and must be paid within 30 days
 1259 after the date of this letter. This letter shall serve as the
 1260 association's notice to proceed with further collection action
 1261 against your property no sooner than 30 days after the date of
 1262 this letter, unless you pay in full the amounts set forth below:

1263	Maintenance due ...(dates)...	\$.....
1264	Late fee, if applicable	\$.....
1265	Interest through ...(dates)...*	\$.....
1266	TOTAL OUTSTANDING	\$.....

1267 *Interest accrues at the rate of percent per annum.

1268 Section 11. Section 720.317, Florida Statutes, is amended
 1269 to read:

1270 720.317 Electronic voting.—

1271 (1) The association may conduct elections and other
 1272 membership votes through an Internet-based online voting system
 1273 if a member consents, electronically or in writing, to online
 1274 voting and if the following requirements are met:

1275 (a)~~(1)~~ The association provides each member with:

1276 1.~~(a)~~ A method to authenticate the member's identity to
 1277 the online voting system.

1278 2.~~(b)~~ A method to confirm, at least 14 days before the
 1279 voting deadline, that the member's electronic device can
 1280 successfully communicate with the online voting system.

1281 3.~~(e)~~ A method that is consistent with the election and
 1282 voting procedures in the association's bylaws.

1283 (b)~~(2)~~ The association uses an online voting system that
 1284 is:

1285 1.~~(a)~~ Able to authenticate the member's identity.

1286 2.~~(b)~~ Able to authenticate the validity of each electronic
 1287 vote to ensure that the vote is not altered in transit.

1288 3.~~(e)~~ Able to transmit a receipt from the online voting
 1289 system to each member who casts an electronic vote.

1290 4.~~(d)~~ Able to permanently separate any authentication or
 1291 identifying information from the electronic election ballot,
 1292 rendering it impossible to tie an election ballot to a specific
 1293 member. This subparagraph ~~paragraph~~ only applies if the
 1294 association's bylaws provide for secret ballots for the election
 1295 of directors.

1296 5.~~(e)~~ Able to store and keep electronic ballots accessible
 1297 to election officials for recount, inspection, and review
 1298 purposes.

1299 (2)~~(3)~~ A member voting electronically pursuant to this
 1300 section shall be counted as being in attendance at the meeting

1301 for purposes of determining a quorum.

1302 (3)~~(4)~~ This section applies to an association that
 1303 provides for and authorizes an online voting system pursuant to
 1304 this section by a board resolution. The board resolution must
 1305 provide that members receive notice of the opportunity to vote
 1306 through an online voting system, must establish reasonable
 1307 procedures and deadlines for members to consent, electronically
 1308 or in writing, to online voting, and must establish reasonable
 1309 procedures and deadlines for members to opt out of online voting
 1310 after giving consent. Written notice of a meeting at which the
 1311 board resolution regarding online voting will be considered must
 1312 be mailed, delivered, or electronically transmitted to the unit
 1313 owners and posted conspicuously on the condominium property or
 1314 association property at least 14 days before the meeting.
 1315 Evidence of compliance with the 14-day notice requirement must
 1316 be made by an affidavit executed by the person providing the
 1317 notice and filed with the official records of the association.

1318 (4)~~(5)~~ A member's consent to online voting is valid until
 1319 the member opts out of online voting pursuant to the procedures
 1320 established by the board of administration under subsection (3)
 1321 ~~pursuant to subsection (4)~~.

1322 (5)~~(6)~~ This section may apply to any matter that requires
 1323 a vote of the members.

1324 Section 12. Section 720.318, Florida Statutes, is amended
 1325 to read:

1326 720.318 First responder ~~Law enforcement~~ vehicles.—An
 1327 association may not prohibit a first responder ~~law enforcement~~
 1328 ~~officer~~, as defined in s. 112.1815(1) ~~s. 943.10(1)~~, who is a
 1329 parcel owner, or who is a tenant, guest, or invitee of a parcel
 1330 owner, from parking his or her assigned first responder ~~law~~
 1331 ~~enforcement~~ vehicle in an area where the parcel owner, or the
 1332 tenant, guest, or invitee of the parcel owner, otherwise has a
 1333 right to park, including on public roads or rights-of-way.

1334 Section 13. This act shall take effect July 1, 2024.