

The 2025 Update Seminar for Community Association Managers



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Fred R. Gray

President

The 2025 Update Seminar

This course provides a legislative update of the laws that impact community associations that were amended in 2024.

Words ~~stricken~~ are deletions; words underlined are additions.

The student should read the commentary and then study the statute as it applies to you as a Community Association Manager. The statute is shown in Italics.



The content of the 2025 Update Seminar is dictated by the Florida Statutes and the Florida Administrative Code and governed by The Florida Department of Business and Professional Regulation.




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Introduction to the 2025 Update Seminar

The Application of the Florida Statutes

The Florida statutes are a collection of state laws organized by subject matter made up of titles, chapters, parts and sections.



This permanent collection of state laws is subject to change during each legislative session. Normally the Florida legislature meets for a 60-day session beginning in April and ending in May each year. Quite often the sessions are extended because of the inability of both houses to agree on certain required actions such as a budget.

The Purpose of the Update Seminar

Community association management firms, community association managers, as well as the board of directors in a self-managed community association, must be knowledgeable in the laws affecting the operations of the associations they manage.

CAM's must stay up to date on all community association manager licensing requirements. Reviewing the annual changes to the statutes that affect community association management assists managers in properly carrying out their duties as required by law.

Legislative Update 2025 Changes in the Florida Statutes

House Bill 613 – An Act Relating to mobile home park lot tenancies;



Fred's explanation of House Bill No. 613

Introduces several amendments to Florida Statutes regarding mobile home park lot tenancies, focusing on mediation processes, the rights of mobile homeowners, and the presence of live-in health care aides. Here's a summary of the key provisions:

1. Mediation Process:

- A petition for mediation must be filed with the Division of Florida Condominiums, Timeshares, and Mobile Homes to assess its adequacy and compliance with specified requirements.
- Mobile homeowners are required to provide certain documents to the mobile home park owner in a specified manner.
- Both the mobile home park owner and the mobile homeowners can mutually agree to select a mediator.
- The division has the authority to dismiss a mediation petition under certain conditions.
- Mobile home park owners can file objections to the mediation petition within a designated timeframe.
- The division must assign a mediator within a specified timeframe under certain circumstances.

2. Immediate Mediation Agreement:

- Parties involved in a dispute can agree to select a mediator immediately and initiate mediation proceedings.
- The division is responsible for appointing a qualified mediator and notifying the parties within a specified timeframe.

3. Civil Action Restrictions:

- A civil action cannot be initiated unless the dispute has first been submitted to mediation.

4. Live-in Health Care Aides:

- Live-in health care aides must have unrestricted access to the mobile home owner's site without incurring additional rent, fees, or charges.
- Mobile home owners are responsible for the costs of any necessary background checks for their

live-in health care aides.

- Live-in health care aides do not have tenancy rights in the mobile home park.
- Mobile home owners must inform the park owner or manager about the live-in aide and may need to remove the aide and cover associated costs if necessary.

5. Rule Adoption:

- The division is required to adopt rules to implement these provisions.

6. Effective Date:

- The bill specifies an effective date for the new regulations.

This bill aims to clarify the mediation process for disputes in mobile home parks, protect the rights of mobile home owners, and establish guidelines for the presence of live-in health care aides.

723.037 Lot rental increases; reduction in services or utilities; change in rules and regulations; mediation.—

- (5) (b) A petition for mediation must be filed with the division in all cases for a determination of adequacy and conformance of the petition with the requirements in paragraph(a). Upon filing the petition with the division, the mobile home owners must provide to the park owner, by certified mail, return receipt requested, a copy of all of the following:
1. The home owners' petition for mediation on a form adopted by the division by rule.
 2. The written designation required by this subsection, which must include the lot identification for each signature.
 3. The notice or notices of a lot rental increase, reduction in services or utilities, or change in rules and regulations which is being challenged as unreasonable.
 4. The records that verify the selection of the homeowners' committee in accordance with subsection (4).
- ~~(c)(b)~~ A park owner, within the same time period, may also petition the division to initiate mediation of the dispute pursuant to s. 723.038.
- (f) As an alternative to the appointment of a mediator by the division, the park owner and the mobile homeowners may, by mutual agreement, select a mediator pursuant to s. 723.038(2) and (4).
- (g) The division must dismiss a petition for mediation if the park owner and mobile home owners fail to comply with this subsection.
- (h) Within 10 days after receipt of a petition from the mobile home owners, the park owner may file objections to the petition with the division. The division must dismiss any petition that is not timely filed, does not meet the requirements of this subsection, or is otherwise found deficient by

the division. If a mediator has not been selected pursuant to paragraph (f), the division must assign a mediator within 10 days after receipt of the park owner's objection to the petition.

The purpose of this subsection is to encourage discussion and evaluation by the parties of the comparable mobile home parks in the competitive market area. The requirements of this subsection are not intended to be enforced by civil or administrative action. Rather, the meetings and discussions are intended to be in the nature of settlement discussions before the parties proceed to litigation of any dispute.

723.038 Dispute settlement; mediation.—

- (1) Either party may petition the division to appoint a mediator and initiate mediation proceedings or the parties may agree to immediately select a mediator and initiate mediation proceedings or the parties may agree to immediately select a mediator and initiate mediation proceedings pursuant to the criteria outlined in subsections (2) and (4).
- (2) The division, upon receipt of a petition, shall appoint a qualified mediator to conduct mediation proceedings and notify the parties within 20 days after such appointment, unless the parties timely notify the division in writing that they have selected a mediator. A person appointed by the division or selected by the parties must be a qualified mediator from a list of circuit court mediators in each judicial circuit who has met training and educational requirements established by the Supreme Court. If such mediators are not available, the division or the parties may select a mediator from the list maintained by the Florida Growth Management Conflict Resolution Consortium. The division shall adopt rules of procedure to govern such proceedings in accordance with the rules of practice and procedure adopted by the Supreme Court. The division shall also establish, by rule, the fee to be charged by a mediator which shall not exceed the fee authorized by the circuit court.
- (4) After the date of the last scheduled meeting held pursuant to s. 723.037(4), the parties to a dispute may agree to immediately select a mediator and initiate mediation proceedings pursuant to this section ~~Upon receiving a petition to mediate a dispute, the division shall, within 20 days, notify the parties that a mediator has been appointed by the division.~~ The parties may accept the mediator appointed by the division or, within 30 days, select a mediator to mediate the dispute pursuant to subsection (2). The parties shall each pay a \$250 filing fee to the mediator appointed by the division or selected by the parties, within 30 days after the division notifies the parties of the appointment of the mediator. The \$250 filing fee shall be used by the mediator to defray the hourly rate charged for mediation of the dispute. Any portion of the filing fee not used shall be refunded to the parties.
- (9) A mediator appointed by the division or selected by the parties pursuant to this section has judicial immunity in the same manner and to the same extent as a judge.

723.0381 Civil actions; arbitration.—

- (1) A civil action may not be initiated unless the dispute has been submitted to mediation pursuant to s. 723.037(5). After mediation of a dispute pursuant to s. 723.038 has failed to provide a resolution of the dispute, either party may file an action in the circuit court.

723.051 Invitees and live-in health care aides; rights and obligations.

- (1) An invitee of a mobile home owner, or a live-in health care aide as provided for in the federal Fair Housing Act, must have ingress and egress to and from the mobile home owner's site without the mobile home owner, live-in health care aide, or invitee being required to pay additional rent, a fee, or any charge whatsoever, except that the mobile home owner must pay the cost of a background check for the live-in healthcare aide if one is required. Any mobile home park rule or regulation providing for fees or charges contrary to the terms of this section is void. The live-in health care aide does not have any rights of tenancy in the mobile home park and the mobile home owner must notify the park owner or park manager of the name of the live-in healthcare aide and provide the information required to have the background check, if one is necessary. The mobile home owner has the responsibility to remove the live-in health care aide should it become necessary and to cover the costs associated with such removal.
- Section 5. The Division of Florida Condominiums, Timeshares, and Mobile Homes of the Department of Business and Professional Regulation shall adopt rules to implement and administer this act.

House Bill No. 917 An act relating to career and technical education;



Fred's explanation of house bill 927:

This bill amends sections 489.1455 and 489.5335 of the Florida Statutes to enhance the recognition of skilled workers in certain occupations by local governments. The key provisions of the bill include:

1. Recognition of Journeymen:

- Counties and municipalities are authorized to recognize individuals as journeymen in specified occupations if they meet certain established criteria. This aims to standardize the recognition of skilled labor across different jurisdictions.

2. Removal of Registration Fee:

- The bill deletes existing provisions that allow local governments to charge a registration fee for recognizing journeymen. This change is intended to reduce barriers for skilled workers seeking recognition.

3. Mandatory Recognition of Licensed Individuals:

- Counties and municipalities are required to recognize certain licensed individuals as journeymen in specified occupations. This ensures that licensed professionals receive the acknowledgment they deserve, facilitating their ability to work and contribute to the local economy.

4. Implications:

- This legislation is expected to streamline the process for skilled workers to gain recognition, potentially increasing employment opportunities in technical fields.
- By eliminating registration fees, the bill aims to make it more accessible for individuals to be recognized as journeymen, promoting workforce development and encouraging more individuals to pursue careers in technical education.

5. Conclusion: House Bill No. 917 represents a significant step towards enhancing the recognition of skilled labor in Florida, supporting career and technical education, and fostering a more inclusive workforce environment.

489.1455 Journeyman; reciprocity; standards.—

(1) Counties and municipalities are authorized to issue journeyman licenses in the plumbing, pipe fitting, mechanical, or HVAC trades to an individual who:

~~(2) An individual who holds a valid, active journeyman license in the plumbing, pipe fitting, mechanical, or HVAC trades issued by any county or municipality in this state may work as a journeyman in the trade in which he~~ Ch. 2024-125 LAWS OF FLORIDA Ch. 2024-125 5 CODING: Words stricken are deletions; words underlined are additions. ~~or she is licensed in any county or municipality of this state without taking an additional examination or paying an additional license fee, if he or she:~~

- (a) Has scored at least 70 percent, or after October 1, 1997, at least 75 percent, on a proctored journeyman Block and Associates examination or other proctored examination approved by the board for the trade in which he or she is licensed;
- (b) Has completed a registered and state-approved apprenticeship program as defined in s. 446.021(6) or has at least 12,000 hours of on-the-job training in his or her specific trade ~~registered with a registration agency defined in 29 C.F.R. s. 29.2 and demonstrates 4 years' verifiable practical experience in the trade for which he or she is licensed, or demonstrates 6 years' verifiable practical experience in the trade for which he or she is licensed; and~~
- (c) Has satisfactorily completed specialized and advanced module coursework approved by the Florida Building Commission, as part of the building code training program established in s. 553.841, specific to the discipline or, pursuant to authorization by the certifying authority, provides proof of completion of such coursework within 6 months after such certification.; and

(2) Counties and municipalities must recognize a person as a journeyman in the plumbing, pipe fitting, mechanical, or HVAC trades if the person was issued a journeyman license in such trade by a county or municipality in the state.

~~(d) Has not had a license suspended or revoked within the last 5 years.~~

~~(3) A local government may charge a registration fee for reciprocity, not to exceed \$25.~~

489.5335 Journeyman; reciprocity; standards.—

- (1) Counties and municipalities are authorized to issue journeyman licenses in the electrical and alarm system trades to an individual who:.
- ~~(2) An individual who holds a valid, active journeyman license in the electrical or alarm system trade issued by any county or municipality in this state may work as a journeyman in the trade in which he or she is licensed in any other county or municipality of this state without taking an additional examination or paying an additional license fee, if he or she:~~
- (a) Has scored at least 70 percent, or after October 1, 1997, at least 75 percent, on a proctored journeyman Block and Associates examination or other proctored examination approved by the board for the trade in which he or she is licensed; Ch. 2024-125 LAWS OF FLORIDA Ch. 2024-125 6 CODING: Words stricken are deletions; words underlined are additions.
 - (b) Has completed a registered and state-approved apprenticeship program as defined in s. 446.021(6) or has at least 12,000 hours of on-the-job training in his or her specific trade ~~registered with a registration agency defined in 29 C.F.R. s. 29.2 and demonstrates 4 years' verifiable practical experience in the trade for which he or she is licensed, or demonstrates 6 years' verifiable practical experience in the trade for which he or she is licensed; and~~
 - (c) Has satisfactorily completed specialized and advanced module coursework approved by the Florida Building Commission, as part of the building code training program established in s. 553.841, specific to the discipline or, pursuant to authorization by the certifying authority, provides proof of completion of such curriculum or coursework within 6 months after such certification.; and
- (2) Counties and municipalities must recognize a person as a journeyman in the electrical and alarm system trades if the person was issued a journeyman license in such trade by a county or municipality in the state.
- ~~(d) Has not had a license suspended or revoked within the last 5 years.~~
- ~~(3) A local government may charge a registration fee for reciprocity, not to exceed \$25.~~

House Bill No. 429. An act relating to real property



Fred's explanation of House Bill No. 429.

Purpose: This act aims to amend various sections of Florida Statutes related to timeshare plans, enhancing the powers and responsibilities of boards of administration and managing entities.

Key Provisions:

1. Amendment to s. 721.13, F.S.:

- **Broadening Powers of Boards:** The act expands the authority of certain boards of administration concerning timeshare plans, allowing them to exercise greater control and oversight over the management of timeshare properties.

2. Rights of Managers and Managing Entities:

- **Equal Rights with Operators:** Managers and managing entities of specific timeshare projects will have the same rights and remedies as operators of certain establishments. This includes the ability to seek law enforcement intervention against individuals engaging in prohibited conduct related to timeshare properties.

3. Amendment to s. 721.15, F.S.:

- **Certificate Requirement:** The managing entity of a timeshare condominium or cooperative is required to provide a specified certificate to interested parties instead of an estoppel certificate. This change aims to streamline the process and clarify the information provided to potential buyers or stakeholders.

4. Amendment to s. 721.97, F.S.:

- **Appointment of Commissioners of Deeds:** The act shifts the responsibility of appointing commissioners of deeds from the Governor to the Secretary of State, potentially increasing efficiency in the appointment process.

Effective Date: The act will take effect upon becoming law, ensuring that the changes are implemented promptly.

Conclusion:

This act represents a significant update to the management and regulation of timeshare properties in Florida, enhancing the authority of boards and managers while simplifying certain procedural requirements.

721.13 Management.—

- (8) Notwithstanding anything to the contrary in s. 718.110, s. 718.113, s. 718.114, or s. 719.1055, the board of administration of any owners' association that operates a timeshare plan including a timeshare condominium pursuant to s. 718.111, or a timeshare cooperative pursuant to s. 719.104, shall have the power to make material alterations or substantial additions to the accommodations or facilities of such timeshare plan and deletions to the facilities of such timeshare plan ~~condominium or timeshare cooperative~~ without the approval of the members of the owners' association, provided that the deletion of any facilities is approved by a two-thirds vote of the board of administration and is consistent with the fiduciary duties set forth in subsection (2). However, if the timeshare condominium or timeshare cooperative contains any residential units that are not subject to the timeshare plan, such action by the board of administration must be approved by a majority of the owners of such residential units. Unless otherwise provided in the timeshare instrument as originally recorded, no such amendment may change the configuration or size of any accommodation in any material fashion, or change the proportion or percentage by which a member of the owners' association shares the common expenses, unless the record owners of the affected units or timeshare interests and all record owners of liens on the affected units or timeshare interests join in the execution of the amendment.
- (14) With regard to any timeshare project as defined in s. 509.242(1)(g), the managing entity or manager has all of the rights and remedies of an operator of any public lodging establishment or public food service establishment as set forth in ss. 509.141, 509.142, 509.143, and 509.162 and is entitled to have a law enforcement officer take any action, including arrest or removal from the timeshare property, against any purchaser, including a deeded owner, or guest or invitee of such purchaser or owner who engages in conduct described in s. 509.141, s. 509.142, s. 509.143, or s. 509.162 or conduct in violation of the timeshare instrument.

721.15 Assessments for common expenses.—

- (7)
- (b) Within 30 days after receiving a written request from a timeshare interest owner, an agent designated in writing by the timeshare interest owner, or a person providing resale transfer services for a consumer timeshare reseller pursuant to s. 721.17(3), a managing entity must provide a certificate, signed by an officer or agent of the managing entity, to the person requesting the certificate, that states the amount of any assessment, transfer fee, or other moneys currently owed to the managing entity, and of any assessment, transfer fee, or other moneys approved by the managing entity that will be due within the next 90 days, with respect to the designated consumer resale timeshare interest, as well as any information contained in the books and records of the timeshare plan regarding the legal description and use plan related to the designated consumer resale timeshare interest. The managing entity of a timeshare condominium or timeshare cooperative must provide this certificate in lieu of the estoppel certificate

required by s. 718.116(8) or s. 719.108(6).

1. A person who relies upon such certificate shall be protected thereby.
2. A summary proceeding pursuant to s. 51.011 may be brought to compel compliance with this paragraph, and in such an action the prevailing party may recover reasonable attorney fees and court costs.
3. The managing entity may charge a fee not to exceed \$150 for the preparation and delivery of the certificate. The amount of the fee must be included on the certificate.

721.97 Timeshare commissioner of deeds.—

- (1) The Secretary of State ~~Governor~~ may appoint commissioners of deeds to take acknowledgments, proofs of execution, or oaths in any foreign country, in international waters, or in any possession, territory, or commonwealth of the United States outside the 50 states. The term of office is 4 years. Commissioners of deeds shall have authority to take acknowledgments, proofs of execution, and oaths in connection with the execution of any deed, mortgage, deed of trust, contract, power of attorney, or any other writing to be used or recorded in connection with a timeshare estate, personal property timeshare interest, timeshare license, any property subject to a timeshare plan, or the operation of a timeshare plan located within this state; provided such instrument or writing is executed outside the United States. Such acknowledgments, proofs of execution, and oaths must be taken or made in the manner directed by the laws of this state, including but not limited to s. 117.05(4), (5)(a), and (6), Florida Statutes 1997, and certified by a commissioner of deeds. The certification must be endorsed on or annexed to the instrument or writing aforesaid and has the same effect as if made or taken by a notary public licensed in this state.

SB 1600 – An act relating to interstate mobility.



Fred's explanation of Senate Bill 1600

The act appears to be a comprehensive piece of legislation aimed at enhancing interstate mobility for licensed professionals in Florida. Here's a summary of the key components and implications of the act:

Key Components:

1. Licensure by Reciprocity and Endorsement:

- The act amends existing statutes to clarify the requirements for licensure by reciprocity and endorsement for various professions.
- It introduces the term "basis license," which likely refers to the foundational license held by applicants from other states.

2. Fingerprinting and Criminal History Checks:

- Applicants for professions requiring fingerprinting must submit their fingerprints for criminal history checks *before receiving a license by endorsement*.
- The Department of Business and Professional Regulation (DBPR) or relevant boards will review the results to ensure applicants meet licensure requirements.
- Applicants are responsible for the costs associated with fingerprint processing.

3. Health Care Regulatory Boards:

- The act mandates health care regulatory boards or the Department of Health to issue licenses or certificates to applicants who meet specified conditions.
- It defines "scope of practice" and outlines the verification process using the National Practitioner Data Bank.

4. Eligibility and Revocation:

- The act specifies circumstances under which an applicant may be deemed ineligible for a license and allows for revocation of licenses based on certain findings.

5. Timelines and Reporting:

- Boards or the department must issue licenses to qualified applicants within a specified timeframe.
- The department is required to submit an annual report to the Governor and Legislature detailing the implementation and outcomes of the act.

6. Rule Adoption:

- Boards or the department must adopt rules to implement the provisions of the act within a specified timeframe.

7. Amendments to Existing Statutes:

- The act revises licensure by endorsement requirements for various professions, including acupuncture, medicine, nursing, pharmacy, and mental health counseling, among others.

8. Continuation of Processing Applications:

- Boards or the Department of Health are authorized to continue processing applications for licensure by endorsement under the existing statutes for a specified period.

Implications:

- **Increased Mobility:** The act aims to facilitate the movement of licensed professionals across state lines, making it easier for them to practice in Florida.
- **Streamlined Processes:** By establishing clear criteria and timelines for licensure, the act seeks to reduce bureaucratic delays and improve efficiency in the licensing process.
- **Public Safety:** The requirement for criminal history checks ensures that only qualified individuals are granted licenses, thereby protecting public safety.
- **Professional Opportunities:** The act may enhance job opportunities for professionals from other states, contributing to a more robust workforce in Florida.

Conclusion:

This act represents a significant step towards modernizing the licensure process for various professions in Florida, promoting interstate mobility, and ensuring that public safety standards are maintained. The emphasis on timely processing and clear criteria for licensure by endorsement is likely to benefit both applicants and the regulatory bodies involved.

455.213 General licensing provisions.—

- (15)(a) Before the board, or the department if there is no board, may deny an application for licensure by reciprocity or by endorsement, the board, or the department if there is no board, must make a finding that the basis license in another jurisdiction is or is not substantially equivalent to or is otherwise insufficient for a license in this state.
- (b) If the board, or the department if there is no board, finds that the basis license in another jurisdiction is not substantially equivalent to or is otherwise insufficient for a license in this state and there are no other grounds to deny the application for licensure, within 7 business days after being notified of such finding, the applicant may request that the finding be submitted to the secretary for review. Within 7 business days after receiving such request, the secretary must review the finding and either agree or disagree with the finding. If the secretary agrees with the finding, the application for licensure may be denied. If the secretary disagrees with the finding, the application for licensure must be approved unless other grounds for denial exist. The decision must be entered according to the secretary's finding, unless other grounds for denial exist.
- (c) If the secretary finds that the requirements of a basis license in another jurisdiction are substantially equivalent to or are otherwise sufficient for a license in this state, the board, or the department if there is no board, must make the same finding for similar applicants from the same jurisdiction, unless the requirements of the basis license

change.

(d) As used in this subsection, the term “basis license” means the license or the licensure requirements of another jurisdiction which are used to meet the requirements for a license in this state.

455.2135 Interstate mobility.—

- (1) When endorsement based upon years of licensure or endorsement based upon satisfaction or completion of multiple criteria that include passage of a licensure or registration examination, completion of internship requirements, or the holding of a valid certificate issued by a national accrediting agency board along with holding a valid license, registration, or certification issued in another jurisdiction is not otherwise provided by law in the practice act for a profession, the board, or the department if there is no board, shall allow licensure by endorsement for any individual applying who:
 - (a) Has held a valid, current license to practice the profession issued by another state or territory of the United States for at least 5 years before the date of application and is applying for the same or similar license in this state;
 - (b) Submits an application either when the license in another state or territory is active or within 2 years after such license was last active;
 - (c) Has passed the recognized national licensing exam, if such exam is established as a requirement for licensure in the profession;
 - (d) Has no pending disciplinary actions and all sanctions of any prior disciplinary actions have been satisfied;
 - (e) Shows proof of compliance with any federal regulation, training, or certification, if the board or the department requires such proof, regarding licensure in the profession;
 - (f) Completes Florida-specific continuing education courses or passes a jurisprudential examination specific to the state laws and rules for the applicable profession as established by the board or department; and
 - (g) Complies with any insurance or bonding requirements as required for the profession.
- (2) If the practice act for a profession requires the submission of fingerprints, the applicant must submit a complete set of fingerprints to the Department of Law Enforcement for a statewide criminal history check. The Department of Law Enforcement shall forward the fingerprints to the Federal Bureau of Investigation for a national criminal history check. The department shall, and the board may, review the results of the criminal history checks according to the level 2 screening standards in s. 435.04 and determine whether the applicant meets the licensure requirements. The costs of fingerprint processing are borne by the applicant. If the applicant’s fingerprints are submitted through an authorized agency or vendor, the agency or vendor must collect the required processing fees and remit the fees to the Department of Law Enforcement.

This section does not apply to harbor pilots licensed under chapter 310.

456.0145 Mobile Opportunity by Interstate Licensure Endorsement (MOBILE) Act.—

(1) **SHORT TITLE.**—This section may be cited as the “Mobile Opportunity by Interstate Licensure Endorsement Act” or the “MOBILE Act.”

(2) LICENSURE BY ENDORSEMENT.—

(a) An applicable board, or the department if there is no board, shall issue a license to practice in this state to an applicant who meets all of the following criteria:

1. Submits a complete application.
2. Holds an active, unencumbered license issued by another state, the District of Columbia, or a territory of the United States in a profession with a similar scope of practice, as determined by the board or department, as applicable. The term “scope of practice” means the full spectrum of functions, procedures, actions, and services that a health care practitioner is deemed competent and authorized to perform under a license issued in this state.
3. a. Has obtained a passing score on a national licensure examination or holds a national certification recognized by the board, or the department if there is no board, as applicable to the profession for which the applicant is seeking licensure in this state; or
b. Meets the requirements of paragraph (b).
4. Has actively practiced the profession for which the applicant is applying for at least 3 years during the 4-year period immediately preceding the date of submission of the application.
5. Attests that he or she is not, at the time of submission of the application, the subject of a disciplinary proceeding in a jurisdiction in which he or she holds a license or by the United States Department of Defense for reasons related to the practice of the profession for which he or she is applying.
6. Has not had disciplinary action taken against him or her in the 5 years immediately preceding the date of submission of the application.
7. Meets the financial responsibility requirements of s. 456.048 or the applicable practice act, if required for the profession for which the applicant is seeking licensure.
8. Submits a set of fingerprints for a background screening pursuant to s. 456.0135, if required for the profession for which he or she is applying.

The department shall verify information submitted by the applicant under this subsection using the National Practitioner Data Bank, as applicable.

- (b) An applicant for a profession that does not require a national examination or national certification is eligible for licensure if an applicable board, or the department if there is no board, determines that the jurisdiction in which the applicant currently holds an active, unencumbered license meets established minimum education requirements and, if applicable, examination, work experience, and clinical supervision requirements that are substantially similar to the requirements for licensure in that profession in this state.
- (c) A person is ineligible for a license under this section if the he or she:
1. Has a complaint, an allegation, or an investigation pending before a licensing entity in another state, the District of Columbia, or a possession or territory of the United States;
 2. Has been convicted of or pled nolo contendere to, regardless of adjudication, any felony or misdemeanor related to the practice of a health care professional;
 3. Has had a health care provider license revoked or suspended by another state, the District of Columbia, or a territory of the United States, or has voluntarily surrendered any such license in lieu of having disciplinary action taken against the license; or
 4. Has been reported to the National Practitioner Data Bank, unless the applicant has successfully appealed to have his or her name removed from the data bank.
- (d) The board, or the department if there is no board, may revoke a license upon finding that the licensee provided false or misleading material information or intentionally omitted material information in an application for licensure.
- (e) The board, or the department if there is no board, shall issue a license to a qualified applicant within 7 days after receipt of all documentation required for an application.
- (3) STATE EXAMINATION.—The board, or the department if there is no board, may require an applicant to successfully complete a jurisprudential examination specific to state laws and rules that regulate the applicable profession, if this chapter or the applicable practice act requires such examination.
- (4) ANNUAL REPORT.—By December 31 of each year, the department shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives which provides all of the following information for the previous fiscal year, distinguished by profession:
- (a) The number of applications for licensure received under this section.
 - (b) The number of licenses issued under this section.
 - (c) The number of applications submitted under this section which were denied and the reason for such denials.
 - (d) The number of complaints, investigations, or other disciplinary actions taken against health care practitioners who are licensed under this section.
- (5) RULES.—Each applicable board, or the department if there is no board, shall adopt rules to implement this section within 6 months after this section's effective date, including rules relating to legislative intent under s. 456.025(1) and the requirements of s. 456.025(3).

Senate Bill 382 – An act relating to continuing education requirements.



Fred's explanation of Senate Bill 382

This legislative act aims to amend existing statutes related to continuing education requirements for professionals regulated by the Department of Business and Professional Regulation (DBPR) in Florida. Here's a breakdown of the key components of the act:

1. Distance Learning for Continuing Education:
 - The act mandates that a board, or the DBPR in cases where no board exists, must allow distance learning as a method to fulfill continuing education requirements. This shifts the previous framework from an optional to a required provision.
2. Revised Continuing Education Requirements:
 - The act revises the criteria that continuing education must meet, although specific details on these revisions are not provided in the summary.
3. Exemptions from Continuing Education:
 - The act requires boards, or the DBPR when there is no board, to exempt certain individuals from completing their continuing education requirements. The specifics of who qualifies for these exemptions would need to be defined in subsequent rules.
4. Rule Adoption:
 - The DBPR and each affected board are required to adopt rules to implement these changes. This includes establishing guidelines for distance learning and defining the exemptions.
5. Emergency Rulemaking Authority:
 - The act grants the DBPR the authority to adopt emergency rules to quickly implement these changes. It outlines the requirements for such emergency rules and sets an expiration date for this authority, ensuring that it is not indefinite.
6. Effective Date:
 - The act specifies an effective date, which would be the date when the changes come into force.

Overall, this act aims to modernize and enhance the continuing education framework for professionals in Florida, making it more accessible through distance learning and providing necessary exemptions while ensuring that the regulatory bodies have the authority to implement these changes efficiently.

455.2123 Continuing education.—

A board, or the department when there is no board, shall allow by rule that distance learning may be used to satisfy continuing education requirements. A board, or the department when there is no board, shall approve distance learning courses as an alternative to classroom courses to satisfy continuing education requirements. ~~A board, or the department when there is no board, provided for in part VIII, part XV, or part XVI of chapter 468 or part I or part II of chapter 475 and~~ may not require centralized examinations for completion of continuing education requirements for the professions licensed under part VIII, part XV, or part XVI of chapter 468 or part I or part II of chapter 475.

455.2124 Proration of or not requiring continuing education.—

(1) A board, or the department when there is no board, may:

- (a) Prorate continuing education for new licensees by requiring half of the required continuing education for any applicant who becomes licensed with more than half the renewal period remaining and no continuing education for any applicant who becomes licensed with half or less than half of the renewal period remaining; or
- (b) Require no continuing education until the first full renewal cycle of the licensee.

These options shall also apply when continuing education is first required or the number of hours required is increased by law or the board, or the department when there is no board.

(2) (a) A board, or the department when there is no board, shall exempt an individual from completing the continuing education required for renewal of a license for a renewal period if:

- 1. The individual holds an active license issued by the board or department to practice the profession;
- 2. The individual has continuously held the license for at least 10 years; and
- 3. No disciplinary action is imposed on the individual's license.

(b) This subsection does not apply to engineers regulated pursuant to chapter 471, to certified public accountants regulated pursuant to chapter 473, to brokers, broker associates, and sales associates regulated pursuant to part I of chapter 475, to appraisers regulated pursuant to part II of chapter 475, to architects, interior designers, or landscape architects regulated pursuant to chapter 481, or to contractors regulated pursuant to chapter 489.

(3) The department and each affected board shall adopt rules pursuant to ss. 120.536(1) and 120.54 to implement this section.

Section 3.

(1) The Department of Business and Professional Regulation is authorized, and all conditions are deemed to be met, to adopt emergency rules pursuant to s. 120.54(4), Florida Statutes, for the purpose of implementing the amendments made by this act to s. 455.2124, Florida Statutes, including establishing procedures to facilitate the exemption for eligible individuals from completing continuing education.

(2) Notwithstanding any other law, emergency rules adopted pursuant to subsection (1) are effective for 6 months after adoption and may be renewed during the pendency of procedures to adopt permanent rules addressing the subject of the emergency rules.

(3) This section expires January 1, 2026.

House Bill 1021 – An act relating to community associations.



Fred's explanation of House Bill No. 1021.

This legislative act addresses various aspects of community associations in Florida, particularly focusing on the responsibilities and regulations surrounding community association managers and management firms, as well as the rights and obligations of unit owners. Below is a summary of the key provisions:

1. **Return of Official Records:** Community association managers and management firms are required to return official records to the association within a specified timeframe after contract termination. Notices of termination must be sent in a designated manner.
2. **Retention of Records:** Managers and firms may retain necessary records for a limited time to complete financial statements or reports.
3. **Liability and Compliance:** The act provides a rebuttable presumption regarding noncompliance and establishes penalties for failing to return records timely. It also relieves managers and firms from certain responsibilities under specific circumstances.
4. **Conflict of Interest Disclosure:** Managers and firms must disclose conflicts of interest to the association's board, with a rebuttable presumption of conflict existing. Associations are required to solicit multiple bids for goods or services under certain conditions.
5. **Contract Approval and Cancellation:** The act outlines requirements for approving contracts that present a conflict of interest and allows associations to cancel contracts if conflicts were not disclosed.
6. **Disciplinary Actions:** The grounds for disciplinary actions against community association managers and firms are revised, enhancing oversight by the Department of Business and Professional Regulation.
7. **Condominium Regulations:** The act revises definitions and requirements for condominium declarations, including responsibilities for hurricane protection installation and maintenance.
8. **Educational Requirements:** Board members must complete educational requirements before or after their election or appointment, including continuing education on legal changes.
9. **Financial Transparency:** Associations must provide financial statements and budgets to prospective purchasers and maintain certain records for inspection.
10. **Hurricane Protection:** The act establishes guidelines for the installation of hurricane protection, including voting requirements and responsibilities for costs.
11. **Electronic Voting:** Unit owners may consent to electronic voting, and boards must honor these requests until the owner opts out.
12. **Structural Integrity Reserve Studies:** Associations are required to distribute reserve studies to unit owners and provide statements to the division within specified timeframes.

13. Criminal Penalties: The act introduces criminal penalties for unlawful activities, including kickbacks and fraudulent voting practices.
 14. Division Oversight: The Division of Florida Condominiums, Timeshares, and Mobile Homes is tasked with monitoring compliance and may issue fines for violations.
 15. Miscellaneous Provisions: The act includes various provisions related to the posting of official records, the appointment of the condominium ombudsman, and the responsibilities of developers regarding structural integrity reserve studies.
- Overall, this act aims to enhance transparency, accountability, and governance within community associations, while also providing protections for unit owners and establishing clear guidelines for management practices.

468.4334 Professional practice standards; liability.—

- (3) A community association manager or a community association management firm shall return all community association official records within its possession to the community association within 20 business days after the termination of a contractual agreement to provide community association management services to the community association or receipt of a written request for return of the official records, whichever occurs first. A notice of termination of a contractual agreement to provide community association management services must be sent by certified mail, return receipt requested, or in the manner required under such contractual agreement. The community association manager or community association management firm may retain, for up to 20 business days, those records necessary to complete an ending financial statement or report. If an association fails to provide access to or retention of the accounting records to prepare an ending financial statement or report, the community association manager or community association management firm is relieved from any further responsibility or liability relating to the preparation of such ending financial statement or report. Failure of a community association manager or a community association management firm to timely return all of the official records within its possession to the community association creates a rebuttable presumption that the community association manager or community association management firm willfully failed to comply with this subsection. A community association manager or a community association management firm that fails to timely return community association records is subject to suspension of its license under s. 468.436, and a civil penalty of \$1,000 per day for up to 10 business days, assessed beginning on the 21st business day after termination of a contractual agreement to provide community association management services to the community association or receipt of a written request from the association for return of the records, whichever occurs first. However, for a timeshare plan created under chapter 721, the time periods provided in s. 721.14(4)(b) apply.

468.4335 Conflicts of interest.—

- (1) A community association manager or a community association management firm, including directors, officers, and persons with a financial interest in a community association management firm, or a relative of such persons, must disclose to the board of a community association any activity that may reasonably be construed to be a conflict of interest. A rebuttable presumption of a conflict of interest exists if any of the following occurs without prior notice:

 - (a) A community association manager or a community association management firm, including directors, officers, and persons with a financial interest in a community association management firm, or a relative of such persons, enters into a contract for goods or services with the association.
 - (b) A community association manager or a community association management firm, including directors, officers, and persons with a financial interest in a community association management firm, or a relative of such persons, holds an interest in or receives compensation or any thing of value from a corporation, limited liability corporation, partnership, limited liability partnership, or other business entity that conducts business with the association or proposes to enter into a contract or other transaction with the association.
- (2) If the association receives and considers a bid that exceeds \$2,500 to provide a good or service, other than community association management services, from a community association manager or a community association management firm, including directors, officers, and persons with a financial interest in a community association management firm, or a relative of such persons, the association must solicit multiple bids from other third-party providers of such goods or services.
- (3) If a community association manager or a community association management firm, including directors, officers, and persons with a financial interest in a community association management firm, or a relative of such persons, proposes to engage in an activity that is a conflict of interest as described in subsection (1), the proposed activity must be listed on, and all contracts and transactional documents related to the proposed activity must be attached to, the meeting agenda of the next board of administration meeting. The disclosures of a possible conflict of interest must be entered into the written minutes of the meeting. Approval of the contract, including a management contract between the community association and the community association manager or community association management firm, or other transaction requires an affirmative vote of two-thirds of all directors present. At the next regular or special meeting of the members, the existence of the conflict of interest and the contract or other transaction must be disclosed to the members. If a community association manager or community association management firm has previously disclosed a conflict of interest in an existing management contract entered into between the board of directors and the community association manager or community association management firm, the conflict of interest does not need to be additionally noticed and voted on during the term of such management contract, but, upon renewal, must be noticed and voted on in accordance with this subsection.

- (4) If the board finds that a community association manager or a community association management firm, including directors, officers, and persons with a financial interest in a community association management firm, or a relative of such persons, has violated this section, the association may cancel its community association management contract with the community association manager or the community association management firm. If the contract is canceled, the association is liable only for the reasonable value of the management services provided up to the time of cancellation and is not liable for any termination fees, liquidated damages, or other form of penalty for such cancellation.
- (5) If an association enters into a contract with a community association manager or a community association management firm, including directors, officers, and persons with a financial interest in a community association management firm, or a relative of such persons, which is a party to or has an interest in an activity that is a possible conflict of interest as described in subsection (1) and such activity has not been properly disclosed as a conflict of interest or potential conflict of interest as required by this section, the contract is voidable and terminates upon the association filing a written notice terminating the contract with its board of directors which contains the consent of at least 20 percent of the voting interests of the association.
- (6) As used in this section, the term “relative” means a relative within the third degree of consanguinity by blood or marriage.

468.436 Disciplinary proceedings.—

- (2) The following acts constitute grounds for which the disciplinary actions in subsection (4) may be taken:
- (b)
1. Violation of any provision of this part.
 2. Violation of any lawful order or rule rendered or adopted by the department or the council.
 3. Being convicted of or pleading nolo contendere to a felony in any court in the United States.
 4. Obtaining a license or certification or any other order, ruling, or authorization by means of fraud, misrepresentation, or concealment of material facts.
 5. Committing acts of gross misconduct or gross negligence in connection with the profession.
 6. Contracting, on behalf of an association, with any entity in which the licensee has a financial interest that is not disclosed.
 7. Failing to disclose any conflict of interest as required by s. 468.4335.
 8. Violating ~~any provision of~~ chapter 718, chapter 719, or chapter 720 during the course of performing community association management services pursuant to a contract with a community association as defined in s. 468.431(1).

- (4) When the department finds any community association manager or firm guilty of any of the grounds set forth in subsection (2), it may enter an order imposing one or more of the following penalties:
- (a) Denial of an application for licensure.
 - (b) Revocation or suspension of a license.
 - (c) Imposition of an administrative fine not to exceed \$5,000 for each count or separate offense.
 - (d) Issuance of a reprimand.
 - (e) Placement of the community association manager on probation for a period of time and subject to such conditions as the department specifies.
 - (f) Restriction of the authorized scope of practice by the community association manager.

553.899 Mandatory structural inspections for condominium and cooperative buildings.—

- (4) The milestone inspection report must be arranged by a condominium or cooperative association and any owner of any portion of the building which is not subject to the condominium or cooperative form of ownership. The condominium association or cooperative association and any owner of any portion of the building which is not subject to the condominium or cooperative form of ownership are each responsible for ensuring compliance with the requirements of this section. The condominium association or cooperative association is responsible for all costs associated with the milestone inspection attributable to the portions of a building which the association is responsible to maintain under the governing documents of the association. This section does not apply to a single-family, two-family, or three-family, or four-family dwelling with three or fewer habitable stories above ground.

718.103 Definitions.—

As used in this chapter, the term:

- (14) “Condominium property” means the lands, leaseholds, and improvements, any and personal property, and all easements and rights appurtenant thereto, regardless of whether contiguous, which ~~that~~ are subjected to condominium ownership, ~~whether or not contiguous, and all improvements thereon and all easements and rights appurtenant thereto intended for use in connection with the condominium.~~
- (19) “Hurricane protection” means hurricane shutters, impact glass, code-compliant windows or doors, and other code-compliant hurricane protection products used to preserve and protect the condominium property or association property.
- (20) “Kickback” means any thing or service of value, for which consideration has not been provided, for an officer’s, a director’s, or a manager’s own benefit or that of his or her immediate family, from any person providing or proposing to provide goods or services to the association.

718.104 Creation of condominiums; contents of declaration.—

Every condominium created in this state shall be created pursuant to this chapter.

(4) The declaration must contain or provide for the following matters:

- (b) The name by which the condominium property is to be identified, which shall include the word “condominium” or be followed by the words “a condominium.”
Condominiums created within a portion of a building or within a multiple parcel building must include the name by which the condominium is to be identified and be followed by “a condominium within a portion of a building or within a multiple parcel building.”
- (p) For both residential condominiums and mixed-use condominiums, a statement that specifies whether the unit owner or the association is responsible for the installation, maintenance, repair, or replacement of hurricane protection that is for the preservation and protection of the condominium property and association property.

718.111 The association.—

(1) CORPORATE ENTITY.—

- (a) The operation of the condominium shall be by the association, which must be a Florida corporation for profit or a Florida corporation not for profit. However, any association which was in existence on January 1, 1977, need not be incorporated. The owners of units shall be shareholders or members of the association. The officers and directors of the association have a fiduciary relationship to the unit owners. It is the intent of the Legislature that nothing in this paragraph shall be construed as providing for or removing a requirement of a fiduciary relationship between any manager employed by the association and the unit owners. An officer, a director, or a manager may not solicit, offer to accept, or accept a ~~any thing or service of value or kickback for which consideration has not been provided for his or her own benefit or that of his or her immediate family, from any person providing or proposing to provide goods or services to the association~~. Any such officer, director, or manager who knowingly so solicits, offers to accept, or accepts a ~~any thing or service of value or~~ kickback commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, is subject to a civil penalty pursuant to s. 718.501(1)(e), and must be removed from office and a vacancy declared ~~s. 718.501(1)(d) and, if applicable, a criminal penalty as provided in paragraph (d)~~. However, this paragraph does not prohibit an officer, a director, or a manager from accepting services or items received in connection with trade fairs or education programs. An association may operate more than one condominium.

(11) INSURANCE.—In order to protect the safety, health, and welfare of the people of the State of Florida and to ensure consistency in the provision of insurance coverage to condominiums and their unit owners, this subsection applies to every residential condominium in the state, regardless of the date of its declaration of condominium. It is the intent of the Legislature to encourage lower or stable insurance premiums for associations described in this subsection.

- (h) The association shall maintain insurance or fidelity bonding of all persons who control or disburse funds of the association. The insurance policy or fidelity bond must cover the maximum funds that will be in the custody of the association or its management agent at any one time. Upon receipt of a complaint, the division shall monitor an association for compliance with this paragraph and may issue fines and penalties established by the division for failure of an association to maintain the required insurance policy or fidelity bond. As used in this paragraph, the term “persons who control or disburse funds of the association” includes, but is not limited to, those individuals authorized to sign checks on behalf of the association, and the president, secretary, and treasurer of the association. The association shall bear the cost of any such bonding.

(12) OFFICIAL RECORDS.—

- (a) From the inception of the association, the association shall maintain each of the following items, if applicable, which constitutes the official records of the association:
1. A copy of the plans, permits, warranties, and other items provided by the developer under s. 718.301(4).
 2. A photocopy of the recorded declaration of condominium of each condominium operated by the association and each amendment to each declaration.
 3. A photocopy of the recorded bylaws of the association and each amendment to the bylaws.
 4. A certified copy of the articles of incorporation of the association, or other documents creating the association, and each amendment thereto.
 5. A copy of the current rules of the association.
 6. A book or books that contain the minutes of all meetings of the association, the board of administration, and the unit owners.
 7. A current roster of all unit owners and their mailing addresses, unit identifications, voting certifications, and, if known, telephone numbers. The association shall also maintain the e-mail addresses and facsimile numbers of unit owners consenting to receive notice by electronic transmission. ~~The email addresses and facsimile numbers are not accessible to unit owners if consent to receive notice by electronic transmission is not provided~~ In accordance with sub-subparagraph (c)5.e., the e-mail addresses and facsimile numbers are only accessible to unit owners if consent to receive notice by electronic transmission is provided, or if the unit owner has expressly indicated that such personal information can be shared with other unit owners and the unit owner has not provided the association with a request to opt out of such dissemination with other unit owners. An association must ensure that the e-mail addresses and facsimile numbers are only used for the business operation of the association and may not be sold or shared with outside third parties. If such personal information is included in documents that are released to third parties, other than unit owners, the association must redact such personal information before the document is disseminated (c)3.e.

However, the association is not liable for an inadvertent disclosure of the e-mail

address or facsimile number for receiving electronic transmission of notices unless such disclosure was made with a knowing or intentional disregard of the protected nature of such information.

11. Accounting records for the association and separate accounting records for each condominium that the association operates. Any person who knowingly or intentionally defaces or destroys such records, or who knowingly or intentionally fails to create or maintain such records, with the intent of causing harm to the association or one or more of its members, is personally subject to a civil penalty pursuant to s. 718.501(1)(e) ~~s. 718.501(1)(d)~~. The accounting records must include, but are not limited to:
 - a. Accurate, itemized, and detailed records of all receipts and expenditures.
 - b. All invoices, transaction receipts, or deposit slips that substantiate any receipt or expenditure of funds by the association.
18. A copy of all building permits.
19. A copy of all satisfactorily completed board member educational certificates.
20. All other written records of the association not specifically included in the foregoing which are related to the operation of the association.
 - (b) The official records specified in subparagraphs (a)1.-6. must be permanently maintained from the inception of the association. Bids for work to be performed or for materials, equipment, or services must be maintained for at least 1 year after receipt of the bid. All other official records must be maintained within the state for at least 7 years, unless otherwise provided by general law. The official records must be maintained in an organized manner that facilitates inspection of the records by a unit owner. In the event that the official records are lost, destroyed, or otherwise unavailable, the obligation to maintain the official records includes a good faith obligation to obtain and recover those records as is reasonably possible. The records of the association shall be made available to a unit owner within 45 miles of the condominium property or within the county in which the condominium property is located within 10 working days after receipt of a written request by the board or its designee. However, such distance requirement does not apply to an association governing a timeshare condominium. This paragraph and paragraph (c) may be complied with by having a copy of the official records of the association available for inspection or copying on the condominium property or association property, or the association may offer the option of making the records available to a unit owner electronically via the Internet as provided under paragraph (g) or by allowing the records to be viewed in electronic format on a computer screen and printed upon request. The association is not responsible for the use or misuse of the information provided to an association member or his or her authorized representative in compliance with this chapter unless the association has an affirmative duty not to disclose such information under this chapter.
 - (c) 1. a. The official records of the association are open to inspection by any association member and any person authorized by an association member as a representative of such member at all reasonable times. The right to inspect the records includes the right to make or obtain copies, at the reasonable expense, if any, of the member and

of the person authorized by the association member as a representative of such member. A renter of a unit has a right to inspect and copy only the declaration of condominium, the association's bylaws and rules, and the inspection reports described in ss. 553.899 and 718.301(4)(p). The association may adopt reasonable rules regarding the frequency, time, location, notice, and manner of record inspections and copying but may not require a member to demonstrate any purpose or state any reason for the inspection. The failure of an association to provide the records within 10 working days after receipt of a written request creates a rebuttable presumption that the association willfully failed to comply with this paragraph. A unit owner who is denied access to official records is entitled to the actual damages or minimum damages for the association's willful failure to comply. Minimum damages are \$50 per calendar day for up to 10 days, beginning on the 11th working day after receipt of the written request. The failure to permit inspection entitles any person prevailing in an enforcement action to recover reasonable attorney fees from the person in control of the records who, directly or indirectly, knowingly denied access to the records. If the requested records are posted on an association's website, or are available for download through an application on a mobile device, the association may fulfill its obligations under this paragraph by directing to the website or the application all persons authorized to request access.

- b. In response to a written request to inspect records, the association must simultaneously provide to the requestor a checklist of all records made available for inspection and copying. The checklist must also identify any of the association's official records that were not made available to the requestor. An association must maintain a checklist provided under this sub-subparagraph for 7 years. An association delivering a checklist pursuant to this sub-subparagraph creates a rebuttable presumption that the association has complied with this paragraph.
2. A director or member of the board or association or a community association manager who knowingly, willfully, and repeatedly violates subparagraph 1. commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, and must be removed from office and a vacancy declared. For purposes of this subparagraph, the term "repeatedly" means two or more violations within a 12-month period.
3. Any person who knowingly or intentionally defaces or destroys accounting records that are required by this chapter to be maintained during the period for which such records are required to be maintained, or who knowingly or intentionally fails to create or maintain accounting records that are required to be created or maintained, with the intent of causing harm to the association or one or more of its members, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, is personally subject to a civil penalty pursuant to s. 718.501(1)(d), and must be removed from office and a vacancy declared.
4. A person who willfully and knowingly refuses to release or otherwise produce association records with the intent to avoid or escape detection, arrest, trial, or punishment for the commission of a crime, or to assist another person with such avoidance or escape, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, and must be removed from office and a vacancy declared.

5. The association shall maintain an adequate number of copies of the declaration, articles of incorporation, bylaws, and rules, and all amendments to each of the foregoing, as well as the question and answer sheet as described in s. 718.504 and year-end financial information required under this section, on the condominium property to ensure their availability to unit owners and prospective purchasers, and may charge its actual costs for preparing and furnishing these documents to those requesting the documents. An association shall allow a member or his or her authorized representative to use a portable device, including a smartphone, tablet, portable scanner, or any other technology capable of scanning or taking photographs, to make an electronic copy of the official records in lieu of the association's providing the member or his or her authorized representative with a copy of such records. The association may not charge a member or his or her authorized representative for the use of a portable device. Notwithstanding this paragraph, the following records are not accessible to unit owners:

(13) FINANCIAL REPORTING.—Within 90 days after the end of the fiscal year, or annually on a date provided in the bylaws, the association shall prepare and complete, or contract for the preparation and completion of, a financial report for the preceding fiscal year. Within 21 days after the final financial report is completed by the association or received from the third party, but not later than 120 days after the end of the fiscal year or other date as provided in the bylaws, the association shall deliver mail to each unit owner by United States mail or personal delivery at the mailing address, property address, e-mail address, or facsimile number provided to fulfill the association's notice requirements ~~at the address last furnished to the association by the unit owner, or hand deliver to each unit owner~~, a copy of the most recent financial report, and a notice that a copy of the most recent financial report will be mailed or hand delivered to the unit owner, without charge, within 5 business days after receipt of a written request from the unit owner. The division shall adopt rules setting forth uniform accounting principles and standards to be used by all associations and addressing the financial reporting requirements for multicondominium associations. The rules must include, but not be limited to, standards for presenting a summary of association reserves, including a good faith estimate disclosing the annual amount of reserve funds that would be necessary for the association to fully fund reserves for each reserve item based on the straight-line accounting method. This disclosure is not applicable to reserves funded via the pooling method. In adopting such rules, the division shall consider the number of members and annual revenues of an association. Financial reports shall be prepared as follows:

- (a) An association that meets the criteria of this paragraph shall prepare a complete set of financial statements in accordance with generally accepted accounting principles. The financial statements must be based upon the association's total annual revenues, as follows:
1. An association with total annual revenues of \$150,000 or more, but less than \$300,000, shall prepare compiled financial statements.
 2. An association with total annual revenues of at least \$300,000, but less than \$500,000, shall prepare reviewed financial statements.
 3. An association with total annual revenues of \$500,000 or more shall prepare audited financial statements.
- (b)

1. An association with total annual revenues of less than \$150,000 shall prepare a report of cash receipts and expenditures.
 2. A report of cash receipts and disbursements must disclose the amount of receipts by accounts and receipt classifications and the amount of expenses by accounts and expense classifications, including, but not limited to, the following, as applicable: costs for security, professional and management fees and expenses, taxes, costs for recreation facilities, expenses for refuse collection and utility services, expenses for lawn care, costs for building maintenance and repair, insurance costs, administration and salary expenses, and reserves accumulated and expended for capital expenditures, deferred maintenance, and any other category for which the association maintains reserves.
- (c) An association may prepare, without a meeting of or approval by the unit owners:
1. Compiled, reviewed, or audited financial statements, if the association is required to prepare a report of cash receipts and expenditures;
 2. Reviewed or audited financial statements, if the association is required to prepare compiled financial statements; or.
 3. Audited financial statements if the association is required to prepare reviewed financial statements.
- (d) If approved by a majority of the voting interests present at a properly called meeting of the association, an association may prepare:
1. A report of cash receipts and expenditures in lieu of a compiled, reviewed, or audited financial statement;
 2. A report of cash receipts and expenditures or a compiled financial statement in lieu of a reviewed or audited financial statement; or
 3. A report of cash receipts and expenditures, a compiled financial statement, or a reviewed financial statement in lieu of an audited financial statement.

Such meeting and approval must occur before the end of the fiscal year and is effective only for the fiscal year in which the vote is taken. An association may not prepare a financial report pursuant to this paragraph for consecutive fiscal years, except that the approval may also be effective for the following fiscal year. If the developer has not turned over control of the association, all unit owners, including the developer, may vote on issues related to the preparation of the association's financial reports, from the date of incorporation of the association through the end of the second fiscal year after the fiscal year in which the certificate of a surveyor and mapper is recorded pursuant to s. 718.104(4)(e) or an instrument that transfers title to a unit in the condominium which is not accompanied by a recorded assignment of developer rights in favor of the grantee of such unit is recorded, whichever occurs first. Thereafter, all unit owners except the developer may vote on such issues until control is turned over to the association by the developer. Any audit or review prepared under this section shall be paid for by the developer if done before turnover of control of the association.

(15) DEBIT CARDS.—

- (a) An association and its officers, directors, employees, and agents may not use a debit card issued in the name of the association, or billed directly to the association, for the payment of any association expense.
- (b) A person who uses ~~Use of~~ a debit card issued in the name of the association, or billed directly to the association, for any expense that is not a lawful obligation of the association commits theft under s. 812.014 and must be removed from office and a vacancy declared. For the purposes of this paragraph, the term “lawful obligation of the association” means an obligation that has been properly preapproved by the board and is reflected in the meeting minutes or the written budget ~~may be prosecuted as credit-card fraud pursuant to s. 817.61.~~

718.111 The association.—

(12) OFFICIAL RECORDS.—

718.112 Bylaws.—

- (2) REQUIRED PROVISIONS.—The bylaws shall provide for the following and, if they do not do so, shall be deemed to include the following:
 - (c) *Board of administration meetings.*—In a residential condominium association of more than 10 units, the board of administration shall meet at least once each quarter. At least four times each year, the meeting agenda must include an opportunity for members to ask questions of the board. Meetings of the board of administration at which a quorum of the members is present are open to all unit owners. Members of the board of administration may use e-mail as a means of communication but may not cast a vote on an association matter via e-mail. A unit owner may tape record or videotape the meetings. The right to attend such meetings includes the right to speak at such meetings with reference to all designated agenda items and the right to ask questions relating to reports on the status of construction or repair projects, the status of revenues and expenditures during the current fiscal year, and other issues affecting the condominium. The division shall adopt reasonable rules governing the tape recording and videotaping of the meeting. The association may adopt written reasonable rules governing the frequency, duration, and manner of unit owner statements.
 - 1. Notice of any meeting in which regular or special assessments against unit owners are to be considered must specifically state that assessments will be considered and provide the estimated cost and description of the purposes for such assessments. If an agenda item relates to the approval of a contract for goods or services, a copy of the contract must be provided with the notice and be made available for inspection and copying upon a written request from a unit owner or made available on the association’s website or through an application that can be downloaded on a mobile device.

(d) Unit owner meetings.—

b. ~~A director of a~~ A director of ~~Within 90 days after being elected or appointed to the board of an association of a residential condominium, each newly elected or appointed director shall:~~

(I) Certify in writing to the secretary of the association that he or she has read the association's declaration of condominium, articles of incorporation, bylaws, and current written policies; that he or she will work to uphold such documents and policies to the best of his or her ability; and that he or she will faithfully discharge his or her fiduciary responsibility to the association's members.

(II) Submit to the secretary of the association ~~In lieu of this written certification, within 90 days after being elected or appointed to the board, the newly elected or appointed director may submit~~ a certificate of having satisfactorily completed the educational curriculum administered by the division or a division-approved condominium education provider. The educational curriculum must be at least 4 hours long and include instruction on milestone inspections, structural integrity reserve studies, elections, recordkeeping, financial literacy and transparency, levying of fines, and notice and meeting requirements. ~~within 1 year before or 90 days after the date of election or appointment .~~

Each newly elected or appointed director must submit to the secretary of the association the written certification and educational certificate within 1 year before being elected or appointed or 90 days after the date of election or appointment. A director of an association of a residential condominium who was elected or appointed before July 1, 2024, must comply with the written certification and educational certificate requirements in this sub-subparagraph by June 30, 2025. The written certification and ~~or~~ educational certificate is valid for 7 years after the date of issuance and does not have to be resubmitted as long as the director serves on the board without interruption during the 7-year period. A director who is appointed by the developer may satisfy the educational certificate requirement in sub-subparagraph (II) for any subsequent appointment to a board by a developer within 7 years after the date of issuance of the most recent educational certificate, including any interruption of service on a board or appointment to a board in another association within that 7-year period. One year after submission of the most recent written certification and educational certificate, and annually thereafter, a director of an association of a residential condominium must submit to the secretary of the association a certificate of having satisfactorily completed at least 1 hour of continuing education administered by the division, or a division-approved condominium education provider, relating to any recent changes to this chapter and the related administrative rules during the past year. A director of an association of a residential condominium who fails to timely file the written certification and educational certificate is suspended from service on the board until he or she complies with this sub-subparagraph. The board may temporarily fill the vacancy during the period of suspension. The secretary shall cause the association to retain a director's written certification and or educational certificate for inspection by the members for 7 5 years after a director's election or the duration of the director's uninterrupted tenure, whichever is longer. Failure to have such written certification

and or educational certificate on file does not affect the validity of any board action.

(f) Annual budget.—

1. The proposed annual budget of estimated revenues and expenses must be detailed and must show the amounts budgeted by accounts and expense classifications, including, at a minimum, any applicable expenses listed in s. 718.504(21). The board shall adopt the annual budget at least 14 days before the start of the association's fiscal year. In the event that the board fails to timely adopt the annual budget a second time, it is deemed a minor violation and the prior year's budget shall continue in effect until a new budget is adopted. A multicondominium association must adopt a separate budget of common expenses for each condominium the association operates and must adopt a separate budget of common expenses for the association. In addition, if the association maintains limited common elements with the cost to be shared only by those entitled to use the limited common elements as provided for in s. 718.113(1), the budget or a schedule attached to it must show the amount budgeted for this maintenance. If, after turnover of control of the association to the unit owners, any of the expenses listed in s. 718.504(21) are not applicable, they do not need to be listed.
2.
 - a. In addition to annual operating expenses, the budget must include reserve accounts for capital expenditures and deferred maintenance. These accounts must include, but are not limited to, roof replacement, building painting, and pavement resurfacing, regardless of the amount of deferred maintenance expense or replacement cost, and any other item that has a deferred maintenance expense or replacement cost that exceeds \$10,000. The amount to be reserved must be computed using a formula based upon estimated remaining useful life and estimated replacement cost or deferred maintenance expense of the reserve item. In a budget adopted by an association that is required to obtain a structural integrity reserve study, reserves must be maintained for the items identified in paragraph (g) for which the association is responsible pursuant to the declaration of condominium, and the reserve amount for such items must be based on the findings and recommendations of the association's most recent structural integrity reserve study. With respect to items for which an estimate of useful life is not readily ascertainable or with an estimated remaining useful life of greater than 25 years, an association is not required to reserve replacement costs for such items, but an association must reserve the amount of deferred maintenance expense, if any, which is recommended by the structural integrity reserve study for such items. The association may adjust replacement reserve assessments annually to take into account an inflation adjustment and any changes in estimates or extension of the useful life of a reserve item caused by deferred maintenance. The members of a unit-owner-controlled association may determine, by a majority vote of the total voting interests of the association, to provide no reserves or less reserves than required by this subsection. For a budget adopted on or after December 31, 2024, the members of a unit-owner-controlled association that must obtain a structural integrity reserve study may not determine to provide no reserves or less reserves than required by this subsection for items listed in paragraph (g), except that members of an association operating a multicondominium may determine to

provide no reserves or less reserves than required by this subsection if an alternative funding method has been approved by the division. If the local building official, as defined in s. 468.603, determines that the entire condominium building is uninhabitable due to a natural emergency, as defined in s. 252.34, the board, upon the approval of a majority of its members, may pause the contribution to its reserves or reduce reserve funding until the local building official determines that the condominium building is habitable. Any reserve account funds held by the association may be expended, pursuant to the board's determination, to make the condominium building and its structures habitable. Upon the determination by the local building official that the condominium building is habitable, the association must immediately resume contributing funds to its reserves.

(g) Structural integrity reserve study.—

9. Within 45 days after receiving the structural integrity reserve study, the association must distribute a copy of the study to each unit owner or deliver to each unit owner a notice that the completed study is available for inspection and copying upon a written request. Distribution of a copy of the study or notice must be made by United States mail or personal delivery to the mailing address, property address, or any other address of the owner provided to fulfill the association's notice requirements under this chapter, or by electronic transmission to the e-mail address or facsimile number provided to fulfill the association's notice requirements to unit owners who previously consented to receive notice by electronic transmission.

10. Within 45 days after receiving the structural integrity reserve study, the association must provide the division with a statement indicating that the study was completed and that the association provided or made available such study to each unit owner in accordance with this section. The statement must be provided to the division in the manner established by the division using a form posted on the division's website.

(q) Director or officer offenses.—

1. A director or an officer charged by information or indictment with any of the following crimes must be removed from office:

a. Forgery, as provided in s. 831.01, of a ballot envelope or voting certificate used in a condominium association election.

b. Theft, as provided in s. 812.014, or embezzlement involving the association's funds or property.

c. Destruction of, or the refusal to allow inspection or copying of, an official record of a condominium association which is accessible to unit owners within the time periods required by general law, in furtherance of any crime. Such act constitutes tampering with physical evidence as provided in s. 918.13.

d. Obstruction of justice under chapter 843.

e. Any criminal violation under this chapter.

2. The board shall fill the vacancy in accordance with paragraph (2)(d) ~~a felony theft or embezzlement offense involving the association's funds or property must be removed from office, creating a vacancy in the office to be filled according to law~~ until the end

of the period of the suspension or the end of the director's term of office, whichever occurs first. While such director or officer has such criminal charge pending, he or she may not be appointed or elected to a position as a director or officer of any association and may not have access to the official records of any association, except pursuant to a court order. However, if the charges are resolved without a finding of guilt, the director or officer shall be reinstated for the remainder of his or her term of office, if any.

(r) Fraudulent voting activities relating to association elections; penalties.—

1. A person who engages in the following acts of fraudulent voting activity relating to association elections commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083:
 - a. Willfully and falsely swearing to or affirming an oath or affirmation, or willfully procuring another person to falsely swear to or affirm an oath or affirmation, in connection with or arising out of voting activities.
 - b. Perpetrating or attempting to perpetrate, or aiding in the perpetration of, fraud in connection with a vote cast, to be cast, or attempted to be cast.
 - c. Preventing a member from voting or preventing a member from voting as he or she intended by fraudulently changing or attempting to change a ballot, ballot envelope, vote, or voting certificate of the member.
 - d. Menacing, threatening, or using bribery or any other corruption to attempt, directly or indirectly, to influence, deceive, or deter a member when the member is voting.
 - e. Giving or promising, directly or indirectly, anything of value to another member with the intent to buy the vote of that member or another member or to corruptly influence that member or another member in casting his or her vote. This sub-subparagraph does not apply to any food served which is to be consumed at an election rally or a meeting or to any item of nominal value which is used as an election advertisement, including a campaign message designed to be worn by a member.
 - f. Using or threatening to use, directly or indirectly, force, violence, or intimidation or any tactic of coercion or intimidation to induce or compel a member to vote or refrain from voting in an election or on a particular ballot measure.
2. Each of the following acts constitutes a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083:
 - a. Knowingly aiding, abetting, or advising a person in the commission of a fraudulent voting activity related to association elections.
 - b. Agreeing, conspiring, combining, or confederating with at least one other person to commit a fraudulent voting activity related to association elections.
 - c. Having knowledge of a fraudulent voting activity related to association elections and giving any aid to the offender with intent that the offender avoid or escape detection, arrest, trial, or punishment. This sub-subparagraph does not apply to a licensed attorney giving legal advice to a client.

718.113 Maintenance; limitation upon improvement; display of flag; hurricane shutters and protection; display of religious decorations.—

- (5) To protect the health, safety, and welfare of the people of the state and to ensure uniformity and consistency in the hurricane protections installed by condominium associations and unit owners, this subsection applies to all residential and mixed-use condominiums in the state, regardless of when the condominium is created pursuant to the declaration of condominium. Each board of administration of a residential condominium or mixed-use condominium must adopt hurricane protection shutter specifications for each building within each condominium operated by the association which may include color, style, and other factors deemed relevant by the board. All specifications adopted by the board must comply with the applicable building code. The installation, maintenance, repair, replacement, and operation of hurricane protection in accordance with this subsection is not considered a material alteration or substantial addition to the common elements or association property within the meaning of this section.
- (a) The board may, subject to s. 718.3026 and the approval of a majority of voting interests of the residential condominium or mixed-use condominium, install or require that unit owners install hurricane shutters, impact glass, code-compliant windows or doors, or other types of code-compliant hurricane protection that complies with or exceeds the applicable building code. A vote of the unit owners to require the installation of hurricane protection must be set forth in a certificate attesting to such vote and include the date that the hurricane protection must be installed. The board must record the certificate in the public records of the county in which the condominium is located. Once the certificate is recorded, the board must mail or hand deliver a copy of the recorded certificate to the unit owners at the owners' addresses, as reflected in the records of the association. The board may provide to unit owners who previously consented to receive notice by electronic transmission a copy of the recorded certificate by electronic transmission. The failure to record the certificate or send a copy of the recorded certificate to the unit owners does not affect the validity or enforceability of the vote of the unit owners. However, A vote of the unit owners under this paragraph is not required if the installation, maintenance, repair, and replacement of the hurricane shutters, impact glass, code-compliant windows or doors, or other types of code-compliant hurricane protection, or any exterior windows, doors, or other apertures protected by the hurricane protection, is the responsibility of the association pursuant to the declaration of condominium as originally recorded or as amended, or if the unit owners are required to install hurricane protection pursuant to the declaration of condominium as originally recorded or as amended. If hurricane protection or laminated glass or window film architecturally designed to function as hurricane protection that complies with or exceeds the current applicable building code has been previously installed, the board may not install the same type of hurricane shutters, impact glass, code-compliant windows or doors, or other types of code-compliant hurricane protection or require that unit owners install the same type of hurricane protection unless the installed hurricane protection has reached the end of its useful life or unless it is necessary to prevent damage to the common elements or to a unit, except upon approval by a majority vote of the voting interests.

- ~~(b) The association is responsible for the maintenance, repair, and replacement of the hurricane shutters, impact glass, code-compliant windows or doors, or other types of code-compliant hurricane protection authorized by this subsection if such property is the responsibility of the association pursuant to the declaration of condominium. If the hurricane shutters, impact glass, code-compliant windows or doors, or other types of code-compliant hurricane protection are the responsibility of the unit owners pursuant to the declaration of condominium, the maintenance, repair, and replacement of such items are the responsibility of the unit owner.~~
- ~~(b)-(e)~~ The board may operate shutters, impact glass, code-compliant windows or doors, or other types of code-compliant hurricane protection installed pursuant to this subsection without permission of the unit owners only if such operation is necessary to preserve and protect the condominium property or and association property. ~~The installation, replacement, operation, repair, and maintenance of such shutters, impact glass, code-compliant windows or doors, or other types of code-compliant hurricane protection in accordance with the procedures set forth in this paragraph are not a material alteration to the common elements or association property within the meaning of this section.~~
- ~~(c) (d)~~ Notwithstanding any other provision in the residential condominium or mixed-use condominium documents, if approval is required by the documents, a board may not refuse to approve the installation or replacement of ~~hurricane shutters, impact glass, code-compliant windows or doors, or other types of code-compliant~~ hurricane protection by a unit owner which conforms ~~conforming~~ to the specifications adopted by the board. However, a board may require the unit owner to adhere to an existing unified building scheme regarding the external appearance of the condominium.
- ~~(d)~~ A unit owner is not responsible for the cost of any removal or reinstallation of hurricane protection, including exterior windows, doors, or other apertures, if its removal is necessary for the maintenance, repair, or replacement of other condominium property or association property for which the association is responsible. The board shall determine if the removal or reinstallation of hurricane protection must be completed by the unit owner or the association. If such removal or reinstallation is completed by the association, the costs incurred by the association may not be charged to the unit owner. If such removal or reinstallation is completed by the unit owner, the association must reimburse the unit owner for the cost of the removal or reinstallation or the association must apply a credit toward future assessments in the amount of the unit owner's cost to remove or reinstall the hurricane protection.
- ~~(e)~~ If the removal or reinstallation of hurricane protection, including exterior windows, doors, or other apertures, is the responsibility of the unit owner and the association completes such removal or reinstallation and then charges the unit owner for such removal or reinstallation, such charges are enforceable as an assessment and may be collected in the manner provided under s. 718.116.

718.115 Common expenses and common surplus.—

- (1) (e) 1. Except as provided in s. 718.113(5)(d), The expense of installation, replacement, operation, repair, and maintenance of hurricane shutters, impact glass, code-compliant windows or doors, or other types of code-compliant hurricane protection by the board pursuant to s. 718.113(5) constitutes a common expense and shall be collected as provided in this section if the association is responsible for the maintenance, repair, and replacement of the hurricane shutters, impact glass, code-compliant windows or doors, or other types of code-compliant hurricane protection pursuant to the declaration of condominium. However, if the installation of maintenance, repair, and replacement of the hurricane shutters, impact glass, code-compliant windows or doors, or other types of code-compliant hurricane protection is the responsibility of the unit owners pursuant to the declaration of condominium or a vote of the unit owners under s. 718.113(5), the cost of the installation of the hurricane shutters, impact glass, code-compliant windows or doors, or other types of code-compliant hurricane protection by the association is not a common expense and must be charged individually to the unit owners based on the cost of installation of the hurricane shutters, impact glass, code-compliant windows or doors, or other types of code-compliant hurricane protection appurtenant to the unit. The costs of installation of hurricane protection are enforceable as an assessment and may be collected in the manner provided under s. 718.116.
2. Notwithstanding s. 718.116(9), and regardless of whether or not the declaration requires the association or unit owners to install, maintain, repair, or replace hurricane shutters, impact glass, code-compliant windows or doors, or other types of code-compliant hurricane protection, the a unit owner of a unit in which who has previously installed hurricane shutters in accordance with s. 718.113(5) that comply with the current applicable building code shall receive a credit when the shutters are installed; a unit owner who has previously installed impact glass or code-compliant windows or doors that comply with the current applicable building code shall receive a credit when the impact glass or code-compliant windows or doors are installed; and a unit owner who has installed other types of code-compliant hurricane protection that complies with the current applicable building code has been installed is excused from any assessment levied by the association or shall receive a credit if the same type of other code-compliant hurricane protection is installed by the association. A credit is applicable if the installation of hurricane protection is for all other units that do not have hurricane protection and the cost of such installation is funded by the association's budget, including the use of reserve funds. The credit must be equal to the amount that the unit owner would have been assessed to install the hurricane protection, and the credit shall be equal to the pro rata portion of the assessed installation cost assigned to each unit. However, such unit owner remains responsible for the pro rata share of expenses for hurricane shutters, impact glass, code-compliant windows or doors, or other types of code-compliant hurricane protection installed on common elements and association property by the board pursuant to s. 718.113(5) and remains responsible for a pro rata share of the expense of the replacement, operation, repair, and maintenance of such shutters, impact glass, code-compliant windows or doors, or other types of code-compliant hurricane protection. Expenses for the installation, replacement, operation, repair, or maintenance of hurricane protection on common elements and association property are common expenses.

718.121 Liens.—

- (4) (a) If an association sends out an invoice for assessments or a unit's statement of the account described in s. 718.111(12)(a)11.c. ~~s. 718.111(12)(a) 11.b.~~, the invoice for assessments or the unit's statement of account must be delivered to the unit owner by first-class United States mail or by electronic transmission to the unit owner's e-mail address maintained in the association's official records.

718.124 Limitation on actions by association.—

The statute of limitations and statute of repose for any actions in law or equity which a condominium association or a cooperative association may have shall not begin to run until the unit owners have elected a majority of the members of the board of administration.

718.1224 Prohibition against SLAPP suits; other prohibited actions.—

- (1) It is the intent of the Legislature to protect the right of condominium unit owners to exercise their rights to instruct their representatives and petition for redress of grievances before their condominium associations and the various governmental entities of this state as protected by the First Amendment to the United States Constitution and s. 5, Art. I of the State Constitution. The Legislature recognizes that strategic lawsuits against public participation, or "SLAPP suits," as they are typically referred to, have occurred when association members are sued by condominium associations, individuals, business entities, or governmental entities arising out of a condominium unit owner's appearance and presentation before the board of the condominium association or a governmental entity on matters related to the condominium association. However, it is the public policy of this state that condominium associations, governmental entities, business organizations, and individuals not engage in SLAPP suits, because such actions are inconsistent with the right of condominium unit owners to participate in their condominium association and in the state's institutions of government. Therefore, the Legislature finds and declares that prohibiting such lawsuits by condominium associations, governmental entities, business entities, and individuals against condominium unit owners who address matters concerning their condominium association will preserve this fundamental state policy, preserve the constitutional rights of condominium unit owners, ensure the continuation of representative government in this state, and ensure unit owner participation in condominium associations. It is the intent of the Legislature that such lawsuits be expeditiously disposed of by the courts. As used in this subsection, the term "governmental entity" means the state, including the executive, legislative, and judicial branches of government; law enforcement agencies; the independent establishments of the state, counties, municipalities, districts, authorities, boards, or commissions; or any agencies of these branches that are subject to chapter 286.
- (2) A condominium association, governmental entity, business organization, or individual in this state may not file or cause to be filed through its employees or agents any lawsuit, cause of action, claim, cross-claim, or counterclaim against a condominium unit owner without merit and solely because such condominium unit owner has exercised the right to instruct his or her representatives or the right to petition for redress of grievances before the condominium association or the various governmental entities of this state, as protected by the First

Amendment to the United States Constitution and s. 5, Art. I of the State Constitution.

- (3) It is unlawful for a condominium association to fine, discriminatorily increase a unit owner's assessments, discriminatorily decrease services to a unit owner, or bring or threaten to bring an action for possession or other civil action, including a defamation, libel, slander, or tortious interference action, based on conduct described in this subsection. In order for the unit owner to raise the defense of retaliatory conduct, the unit owner must have acted in good faith and not for any improper purposes, such as to harass or to cause unnecessary delay or for frivolous purpose or needless increase in the cost of litigation. Examples of conduct for which a condominium association, an officer, a director, or an agent of an association may not retaliate include, but are not limited to, situations in which:
- (a) The unit owner has in good faith complained to a governmental agency charged with responsibility for enforcement of a building, housing, or health code of a suspected violation applicable to the condominium;
 - (b) The unit owner has organized, encouraged, or participated in a unit owners' organization;
 - (c) The unit owner submitted information or filed a complaint alleging criminal violations or violations of this chapter or the rules of the division with the division, the Office of the Condominium Ombudsman, a law enforcement agency, a state attorney, the Attorney General, or any other governmental agency
 - (d) The unit owner has exercised his or her rights under this chapter;
 - (e) The unit owner has complained to the association or any of the association's representatives for the failure to comply with this chapter or chapter 617; or
 - (f) The unit owner has made public statements critical of the operation or management of the association.
- (4) Evidence of retaliatory conduct may be raised by the unit owner as a defense in any action brought against him or her for possession.
- (5) A condominium unit owner sued by a condominium association, governmental entity, business organization, or individual in violation of this section has a right to an expeditious resolution of a claim that the suit is in violation of this section. A condominium unit owner may petition the court for an order dismissing the action or granting final judgment in favor of that condominium unit owner. The petitioner may file a motion for summary judgment, together with supplemental affidavits, seeking a determination that the condominium association's, governmental entity's, business organization's, or individual's lawsuit has been brought in violation of this section. The condominium association, governmental entity, business organization, or individual shall thereafter file its response and any supplemental affidavits. As soon as practicable, the court shall set a hearing on the petitioner's motion, which shall be held at the earliest possible time after the filing of the condominium association's, governmental entity's, business organization's, or individual's response. The court may award the condominium unit owner sued by the condominium association, governmental entity, business organization, or individual actual damages arising from the condominium association's, governmental entity's, individual's, or business organization's violation of this section. A court may treble the damages awarded to a prevailing condominium unit owner and shall state the basis for the treble damages award in

its judgment. The court shall award the prevailing party reasonable attorney's fees and costs incurred in connection with a claim that an action was filed in violation of this section.

- (6) Condominium associations may not expend association funds in prosecuting a SLAPP suit against a condominium unit owner.
- (7) Condominium associations may not expend association funds in support of a defamation, libel, slander, or tortious interference action against a unit owner or any other claim against a unit owner based on conduct described in subsection (3).

718.128 Electronic voting.—

The association may conduct elections and other unit owner votes through an Internet-based online voting system if a unit owner consents, electronically or in writing, to online voting and if the following requirements are met:

- (4) This section applies to an association that provides for and authorizes an online voting system pursuant to this section by a board resolution. If the board authorizes online voting, the board must honor a unit owner's request to vote electronically at all subsequent elections, unless such unit owner opts out of online voting. The board resolution must provide that unit owners receive notice of the opportunity to vote through an online voting system, must establish reasonable procedures and deadlines for unit owners to consent, electronically or in writing, to online voting, and must establish reasonable procedures and deadlines for unit owners to opt out of online voting after giving consent. Written notice of a meeting at which the resolution will be considered must be mailed, delivered, or electronically transmitted to the unit owners and posted conspicuously on the condominium property or association property at least 14 days before the meeting. Evidence of compliance with the 14-day notice requirement must be made by an affidavit executed by the person providing the notice and filed with the official records of the association.
- (5) A unit owner's consent to online voting is valid until the unit owner opts out of online voting according to the procedures established by the board of administration pursuant to subsection (4).
- (6) This section may apply to any matter that requires a vote of the unit owners who are not members of a timeshare condominium association.

718.202 Sales or reservation deposits prior to closing.—

- (1) If a developer contracts to sell a condominium parcel and the construction, furnishing, and landscaping of the property submitted or proposed to be submitted to condominium ownership has not been substantially completed in accordance with the plans and specifications and representations made by the developer in the disclosures required by this chapter, the developer shall pay into an escrow account all payments up to 10 percent of the sale price received by the developer from the buyer towards the sale price. The escrow agent shall give to the purchaser a receipt for the deposit, upon request. In lieu of the foregoing concerning residential condominiums, the division director has the discretion to accept other assurances, including, but not limited to, a surety bond or an irrevocable letter of credit in an amount equal to the escrow requirements of this section. With respect to nonresidential

condominiums, the developer may deliver to the escrow agent a surety bond or an irrevocable letter of credit in an amount equivalent to the aggregate of some or all of all payments, up to 10 percent of the sale price, received by the developer from all buyers toward the sale price. In all cases, the aggregate of the initial 10 percent deposits being released must be secured by a surety bond or irrevocable letter of credit in an equivalent amount. Default determinations and refund of deposits shall be governed by the escrow release provision of this subsection. Funds shall be released from escrow as follows:

- (a) If a buyer properly terminates the contract pursuant to its terms or pursuant to this chapter, the funds shall be paid to the buyer together with any interest earned.
- (b) If the buyer defaults in the performance of his or her obligations under the contract of purchase and sale, the funds shall be paid to the developer together with any interest earned.
- (c) If the contract does not provide for the payment of any interest earned on the escrowed funds, interest shall be paid to the developer at the closing of the transaction.
- (d) If the funds of a buyer have not been previously disbursed in accordance with the provisions of this subsection, they may be disbursed to the developer by the escrow agent at the closing of the transaction, unless prior to the disbursement the escrow agent receives from the buyer written notice of a dispute between the buyer and developer.

718.301 Transfer of association control; claims of defect by association.

- (3) At the time that unit owners other than the developer elect a majority of the members of the board of administration of an association, the developer shall relinquish control of the association, and the unit owners shall accept control. Simultaneously, or for the purposes of paragraph (c) not more than 90 days thereafter, the developer shall deliver to the association, at the developer's expense, all property of the unit owners and of the association which is held or controlled by the developer, including, but not limited to, the following items, if applicable, as to each condominium operated by the association:
 - (p) Notwithstanding when the certificate of occupancy was issued or the height of the building, a turnover inspection report included in the official records, under seal of an architect or engineer authorized to practice in this state or a person certified as a reserve specialist or professional reserve analyst by the Community Associations Institute or the Association of words underlined are additions. Professional Reserve Analysts, and consisting of a structural integrity reserve study attesting to required maintenance, condition, useful life, and replacement costs of the following applicable condominium property:
 - 1. Roof.
 - 2. Structure, including load-bearing walls and primary structural members and primary structural systems as those terms are defined in s. 627.706.
 - 3. Fireproofing and fire protection systems.
 - 4. Plumbing.
 - 5. Electrical systems.

6. Waterproofing and exterior painting.
7. Windows and exterior doors.

718.3027 Conflicts of interest.—

- (4) A director or an officer, or a relative of a director or an officer, who is a party to, or has an interest in, an activity that is a possible conflict of interest, as described in subsection (1), may attend the meeting at which the activity is considered by the board and is authorized to make a presentation to the board regarding the activity. After the presentation, the director or officer, and any relative of the director or officer, must leave the meeting during the discussion of, and the vote on, the activity. A director or an officer who is a party to, or has an interest in, the activity must recuse himself or herself from the vote. The attendance of a director or an officer with a possible conflict of interest at the meeting of the board is sufficient to constitute a quorum for the meeting and the vote in his or her absence on the proposed activity.
- (5) A contract entered into between a director or an officer, or a relative of a director or an officer, and the association, which is not a timeshare condominium association, that has not been properly disclosed as a conflict of interest or potential conflict of interest as required by this section or s. 617.0832 is voidable and terminates upon the filing of a written notice terminating the contract with the board of directors which contains the consent of at least 20 percent of the voting interests of the association.

718.303 Obligations of owners and occupants; remedies.—

- (4) An association may suspend the voting rights of a unit owner or member due to nonpayment of any fee, fine, or other monetary obligation due to the association which is more than \$1,000 and more than 90 days delinquent. Proof of such obligation must be provided to the unit owner or member 30 days before such suspension takes effect. At least 90 days before an election, an association must notify a unit owner or member that his or her voting rights may be suspended due to a nonpayment of a fee or other monetary obligation. A voting interest or consent right allocated to a unit owner or member which has been suspended by the association shall be subtracted from the total number of voting interests in the association, which shall be reduced by the number of suspended voting interests when calculating the total percentage or number of all voting interests available to take or approve any action, and the suspended voting interests shall not be considered for any purpose, including, but not limited to, the percentage or number of voting interests necessary to constitute a quorum, the percentage or number of voting interests required to conduct an election, or the percentage or number of voting interests required to approve an action under this chapter or pursuant to the declaration, articles of incorporation, or bylaws. The suspension ends upon full payment of all obligations currently due or overdue the association. The notice and hearing requirements under subsection (3) do not apply to a suspension imposed under this subsection.

718.407 Condominiums created within a portion of a building or within a multiple parcel building.—

- (1) A condominium may be created in accordance with this section within a portion of a building or within a multiple parcel building, as defined in s. 193.0237(1).
- (2) The common elements of a condominium created within a portion of a building or within a multiple parcel building are only those portions of the building submitted to the condominium form of ownership, excluding the units of such condominium.
- (3) The declaration of condominium that creates a condominium within a portion of a building or within a multiple parcel building, the recorded instrument that creates the multiple parcel building, and any other recorded instrument applicable under this section must specify all of the following:
 - (a) The portions of the building which are included in the condominium and the portions of the building which are excluded.
 - (b) The party responsible for maintaining and operating those portions of the building which are shared facilities, including, but not limited to, the roof, the exterior of the building, the windows, the balconies, the elevators, the building lobby, the corridors, the recreational amenities, and the utilities.
 - (c) 1. The manner in which the expenses for the maintenance and operation of the shared facilities will be apportioned. An owner of a portion of a building which is not submitted to the condominium form of ownership or the condominium association, as applicable to the portion of the building submitted to the condominium form of ownership, must approve any increase to the apportionment of expenses to such portion of the building. The apportionment of the expenses for the maintenance and operation of the shared facilities may be based on any of the following criteria or any combination thereof:
 - a. The area or volume of each portion of the building in relation to the total area or volume of the entire building, exclusive of the shared facilities.
 - b. The initial estimated market value of each portion of the building in comparison to the total initial estimated market value of the entire building.
 - c. The extent to which the unit owners are permitted to use various shared facilities.
 2. This paragraph does not preclude an alternative apportionment of expenses as long as such apportionment is stated in the declaration of condominium that creates a condominium within a portion of a building or within a multiple parcel building, the recorded instrument that creates the multiple parcel building, or any other recorded instrument applicable under this section.
- (d) The party responsible for collecting the shared expenses.
- (e) The rights and remedies that are available to enforce payment of the shared expenses.
- (4) The association of a condominium subject to this section may inspect and copy the books and records upon which the costs for maintaining and operating the shared facilities are based and to receive an annual budget with respect to such costs.

- (5) Each contract for the sale of a unit in a condominium subject to this section must contain in conspicuous type a clause that substantially states:

DISCLOSURE SUMMARY

THE CONDOMINIUM IN WHICH YOUR UNIT IS LOCATED IS CREATED WITHIN A PORTION OF A BUILDING OR WITHIN A MULTIPLE PARCEL BUILDING. THE COMMON ELEMENTS OF THE CONDOMINIUM CONSIST ONLY OF THE PORTIONS OF THE BUILDING SUBMITTED TO THE CONDOMINIUM FORM OF OWNERSHIP. Ch. 2024-244 LAWS OF FLORIDA BUYER ACKNOWLEDGES ALL OF THE FOLLOWING:

- (1) THE CONDOMINIUM MAY HAVE MINIMAL COMMON ELEMENTS.
 - (2) PORTIONS OF THE BUILDING WHICH ARE NOT INCLUDED IN THE CONDOMINIUM ARE OR WILL BE GOVERNED BY A SEPARATE RECORDED INSTRUMENT. SUCH INSTRUMENT CONTAINS IMPORTANT PROVISIONS AND RIGHTS AND IS OR WILL BE AVAILABLE IN PUBLIC RECORDS.
 - (3) THE PARTY THAT CONTROLS THE MAINTENANCE AND OPERATION OF THE PORTIONS OF THE BUILDING WHICH ARE NOT INCLUDED IN THE CONDOMINIUM DETERMINES THE BUDGET FOR THE OPERATION AND MAINTENANCE OF SUCH PORTIONS. HOWEVER, THE ASSOCIATION AND UNIT OWNERS ARE STILL RESPONSIBLE FOR THEIR SHARE OF SUCH EXPENSES.
 - (4) THE ALLOCATION BETWEEN THE UNIT OWNERS AND THE OWNERS OF THE PORTIONS OF THE BUILDING WHICH ARE NOT INCLUDED IN THE CONDOMINIUM OF THE COSTS TO MAINTAIN AND OPERATE THE BUILDING CAN BE FOUND IN THE DECLARATION OF CONDOMINIUM OR OTHER RECORDED INSTRUMENT.
- (6) The creation of a multiple parcel building is not a subdivision of the land upon which such building is situated provided the land itself is not subdivided.

718.501 Authority, responsibility, and duties of Division of Florida Condominiums, Timeshares, and Mobile Homes.—

- (1) The division may enforce and ensure compliance with this chapter and rules relating to the development, construction, sale, lease, ownership, operation, and management of residential condominium units and complaints related to the procedural completion of milestone inspections under s. 553.899. In performing its duties, the division has complete jurisdiction to investigate complaints and enforce compliance with respect to associations that are still under developer control or the control of a bulk assignee or bulk buyer pursuant to part VII of this chapter and complaints against developers, bulk assignees, or bulk buyers involving improper turnover or failure to turnover, pursuant to s. 718.301. However, after turnover has occurred, the division has jurisdiction to investigate complaints related only to:

- (a) 1. Procedural aspects and records relating to financial issues, including annual financial reporting under s. 718.111(13); assessments for common expenses, fines, and commingling of reserve and operating funds under s. 718.111(14); use of debit cards for unintended purposes under s. 718.111(15); the annual operating budget and the allocation of reserve funds under s. 718.112(2)(f); financial records under s. 718.111(12)(a)11.; and any other record necessary to determine the revenues and expenses of the association.
2. Elections, including election and voting requirements under s. 718.112(2)(b) and (d), recall of board members under s. 718.112(2)(l), electronic voting under s. 718.128, and elections that occur during an emergency under s. 718.1265(1)(a). financial issues, elections, and
3. The maintenance of and unit owner access to association records under s. 718.111(12).
4. The procedural aspects of meetings, including unit owner meetings, quorums, voting requirements, proxies, board of administration meetings, and budget meetings under s. 718.112(2).
5. The disclosure of conflicts of interest under ss. 718.111(1)(a) and 718.3027, including limitations contained in s. 718.111(3)(f).
6. The removal of a board director or officer under ss. 718.111(1)(a) and (15) and 718.112(2)(p) and (q), and
7. The procedural completion of structural integrity reserve studies under s. 718.112(2)(g).
8. Any written inquiries by unit owners to the association relating to such matters, including written inquiries under s. 718.112(2)(a)2.
- (1) (e) 7. If a unit owner presents the division with proof that the unit owner has requested access to official records in writing by certified mail, and that after 10 days the unit owner again made the same request for access to official records in writing by certified mail, and that more than 10 days has elapsed since the second request and the association has still failed or refused to provide access to official records as required by this chapter, the division shall issue a subpoena requiring production of the requested records at the location in which where the records are kept pursuant to s. 718.112. Upon receipt of the records, the division must provide to the unit owner who was denied access to such records the produced official records without charge.
8. In addition to subparagraph 6., the division may seek the imposition of a civil penalty through the circuit court for any violation for which the division may issue a notice to show cause under paragraph (t) (r). The civil penalty shall be at least \$500 but no more than \$5,000 for each violation. The court may also award to the prevailing party court costs and reasonable attorney fees and, if the division prevails, may also award reasonable costs of investigation.
9. The division may issue citations and promulgate rules to provide for citation bases and citation procedures in accordance with this paragraph.

- (f) The division may prepare and disseminate a prospectus and other information to assist prospective owners, purchasers, lessees, and developers of residential condominiums in assessing the rights, privileges, and duties pertaining thereto.
- (g) The division may adopt rules to administer and enforce this chapter.
- (h) The division shall establish procedures for providing notice to an association and the developer, bulk assignee, or bulk buyer during the period in which the developer, bulk assignee, or bulk buyer controls the association if the division is considering the issuance of a declaratory statement with respect to the declaration of condominium or any related document governing such condominium community.
- (i) The division shall furnish each association that pays the fees required by paragraph (2)(a) a copy of this chapter, as amended, and the rules adopted thereto on an annual basis.
- (j) The division shall annually provide each association with a summary of declaratory statements and formal legal opinions relating to the operations of condominiums which were rendered by the division during the previous year.
- (k) The division shall provide training and educational programs for condominium association board members and unit owners. The training may, in the division's discretion, include web-based electronic media and live training and seminars in various locations throughout the state. The division may review and approve education and training programs for board members and unit owners offered by providers and shall maintain a current list of approved programs and providers and make such list available to board members and unit owners in a reasonable and cost effective manner. The division shall provide the division-approved provider with the template certificate for issuance directly to the association's board of directors who have satisfactorily completed the requirements under s. 718.112(2)(d). The division shall adopt rules to implement this section.
- (o) Condominium association directors, officers, and employees; condominium developers; bulk assignees, bulk buyers, and community association managers; and community association management firms have an ongoing duty to reasonably cooperate with the division in any investigation under this section. The division shall refer to local law enforcement authorities any person whom the division believes has altered, destroyed, concealed, or removed any record, document, or thing required to be kept or maintained by this chapter with the purpose to impair its verity or availability in the department's investigation. The division shall refer to local law enforcement authorities any person whom the division believes has engaged in fraud, theft, embezzlement, or other criminal activity or when the division has cause to believe that fraud, theft, embezzlement, or other criminal activity has occurred.
- (p) The division director or any officer or employee of the division and the condominium ombudsman or any employee of the Office of the Condominium Ombudsman may attend and observe any meeting of the board of administration or any unit owner meeting, including any meeting of a subcommittee or special committee, which is open to members of the association for the purpose of performing the duties of the division or the Office of the Condominium Ombudsman under this chapter.

(q) The division may:

1. Contract with agencies in this state or other jurisdictions to perform investigative functions; or
2. Accept grants-in-aid from any source.

(r) The division shall cooperate with similar agencies in other jurisdictions to establish uniform filing procedures and forms, public offering statements, advertising standards, and rules and common administrative practices.

(s) The division shall consider notice to a developer, bulk assignee, or bulk buyer to be complete when it is delivered to the address of the developer, bulk assignee, or bulk buyer currently on file with the division.

(t) In addition to its enforcement authority, the division may issue a notice to show cause, which must provide for a hearing, upon written request, in accordance with chapter 120.

(u) If the division receives a complaint regarding access to official records on the association's website or through an application that can be downloaded on a mobile device under s. 718.111(12)(g), the division may request access to the association's website or application and investigate. The division may adopt rules to carry out this paragraph.

(v) The division shall submit to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the chairs of the legislative appropriations committees an annual report that includes, but need not be limited to, the number of training programs provided for condominium association board members and unit owners, the number of complaints received by type, the number and percent of complaints acknowledged in writing within 30 days and the number and percent of investigations acted upon within 90 days in accordance with paragraph (n) (m), and the number of investigations exceeding the 90-day requirement. The annual report must also include an evaluation of the division's core business processes and make recommendations for improvements, including statutory changes. After December 31, 2024, the division must include a list of the associations that have completed the structural integrity reserve study required under s. 718.112(2)(g). The report shall be submitted by September 30 following the end of the fiscal year.

(2) (a) Each condominium association that operates more than two units shall pay to the division an annual fee in the amount of \$4 for each residential unit in condominiums operated by the association. If the fee is not paid by March 1, the association shall be assessed a penalty of 10 percent of the amount due, and the association will not have standing to maintain or defend any action in the courts of this state until the amount due, plus any penalty, is paid.

(b) All fees shall be deposited in the Division of Florida Condominiums, Timeshares, and Mobile Homes Trust Fund as provided by law.

(c) On the certification form provided by the division, the directors of the association shall certify that each director of the association has completed the written certification and educational certificate requirements in s. 718.112(2)(d)4.b. This certification requirement does not apply to the directors of an association governing a timeshare condominium.

718.5011 Ombudsman; appointment; administration.—

- (2) The secretary of the Department of Business and Professional Regulation ~~Governor~~ shall appoint the ombudsman. The ombudsman ~~must be an attorney admitted to practice before the Florida Supreme Court and~~ shall serve at the pleasure of the Governor. A vacancy in the office shall be filled in the same manner as the original appointment. An officer or full-time employee of the ombudsman's office may not actively engage in any other business or profession that directly or indirectly relates to or conflicts with his or her work in the ombudsman's office; serve as the representative of any political party, executive committee, or other governing body of a political party; serve as an executive, officer, or employee of a political party; receive remuneration for activities on behalf of any candidate for public office; or engage in soliciting votes or other activities on behalf of a candidate for public office. The ombudsman or any employee of his or her office may not become a candidate for election to public office unless he or she first resigns from his or her office or employment.

718.503 Developer disclosure prior to sale; nondeveloper unit owner disclosure prior to sale; voidability.—

(2) NONDEVELOPER DISCLOSURE.—

- (a) Each unit owner who is not a developer as defined by this chapter must comply with this subsection before the sale of his or her unit. Each prospective purchaser who has entered into a contract for the purchase of a condominium unit is entitled, at the seller's expense, to a current copy of all of the following:
1. The declaration of condominium.
 2. Articles of incorporation of the association.
 3. Bylaws and rules of the association.
 4. An annual financial statement and annual budget of the condominium association.
~~Financial information required by s. 718.111.—~~
 5. A copy of the inspector-prepared summary of the milestone inspection report as described in s. 553.899, if applicable.
 6. The association's most recent structural integrity reserve study or a statement that the association has not completed a structural integrity reserve study.
 7. A copy of the inspection report described in s. 718.301(4)(p) and (q) for a turnover inspection performed on or after July 1, 2023.
 8. The document entitled "Frequently Asked Questions and Answers" required by s. 718.504.
 8. The document entitled "Frequently Asked Questions and Answers".

(d) Each contract entered into after July 1, 1992, for the resale of a residential unit shall contain in conspicuous type either:

1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE DECLARATION OF CONDOMINIUM, ARTICLES OF INCORPORATION OF THE ASSOCIATION, BYLAWS AND RULES OF THE ASSOCIATION, AND A COPY OF THE MOST RECENT ANNUAL FINANCIAL STATEMENT AND ANNUAL BUDGET, ~~YEAR-END FINANCIAL INFORMATION~~ AND FREQUENTLY ASKED QUESTIONS AND ANSWERS DOCUMENT MORE THAN 3 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, PRIOR TO EXECUTION OF THIS CONTRACT; or
2. A clause which states: THIS AGREEMENT IS VOIDABLE BY BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO CANCEL WITHIN 3 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE DECLARATION OF CONDOMINIUM, ARTICLES OF INCORPORATION, BYLAWS AND RULES OF THE ASSOCIATION, A COPY OF THE MOST RECENT ANNUAL FINANCIAL STATEMENT AND ANNUAL BUDGET, ~~AND A COPY OF THE MOST RECENT YEAR-END FINANCIAL INFORMATION~~ AND FREQUENTLY ASKED QUESTIONS AND ANSWERS DOCUMENT IF SO REQUESTED IN WRITING. ANY PURPORTED WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 3 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE BUYER RECEIVES THE DECLARATION, ARTICLES OF INCORPORATION, BYLAWS AND RULES OF THE ASSOCIATION, AND A COPY OF THE MOST RECENT YEAR-END FINANCIAL INFORMATION AND FREQUENTLY ASKED QUESTIONS AND ANSWERS DOCUMENT IF REQUESTED IN WRITING. BUYER'S RIGHT TO VOID THIS AGREEMENT SHALL TERMINATE AT CLOSING.

A contract that does not conform to the requirements of this paragraph is voidable at the option of the purchaser prior to closing.

(3) OTHER DISCLOSURES.—

- (a) If residential condominium parcels are offered for sale or lease prior to completion of construction of the units and of improvements to the common elements, or prior to completion of remodeling of previously occupied buildings, the developer must make available to each prospective purchaser or lessee, for his or her inspection at a place convenient to the site, a copy of the complete plans and specifications for the construction or remodeling of the unit offered to him or her and of the improvements to the common elements appurtenant to the unit.
- (b) Sales brochures, if any, must be provided to each purchaser, and the following caveat in conspicuous type must be placed on the inside front cover or on the first page containing text material of the sales brochure, or otherwise conspicuously displayed:

“ORAL REPRESENTATIONS CANNOT BE RELIED UPON AS CORRECTLY STATING REPRESENTATIONS OF THE DEVELOPER. FOR CORRECT REPRESENTATIONS, MAKE REFERENCE TO THIS BROCHURE AND TO THE DOCUMENTS REQUIRED BY SECTION 718.503, FLORIDA STATUTES, TO BE FURNISHED BY A DEVELOPER TO A BUYER OR LESSEE.” If timeshare estates have been or may be created with respect to any unit in the condominium, the sales brochure must contain the following statement in conspicuous type: “UNITS IN THIS CONDOMINIUM ARE SUBJECT TO TIMESHARE ESTATES.”

(c) If a unit is located within a condominium that is created within a portion of a building or within a multiple parcel building, the developer or nondeveloper unit owner must provide the disclosures required by s. 718.407(5).

718.504 Prospectus or offering circular.—

Every developer of a residential condominium which contains more than 20 residential units, or which is part of a group of residential condominiums which will be served by property to be used in common by unit owners of more than 20 residential units, shall prepare a prospectus or offering circular and file it with the Division of Florida Condominiums, Timeshares, and Mobile Homes prior to entering into an enforceable contract of purchase and sale of any unit or lease of a unit for more than 5 years and shall furnish a copy of the prospectus or offering circular to each buyer. In addition to the prospectus or offering circular, each buyer shall be furnished a separate page entitled “Frequently Asked Questions and Answers,” which shall be in accordance with a format approved by the division and a copy of the financial information required by s. 718.111. This page shall, in readable language, inform prospective purchasers regarding their voting rights and unit use restrictions, including restrictions on the leasing of a unit; shall indicate whether and in what amount the unit owners or the association is obligated to pay rent or land use fees for recreational or other commonly used facilities; shall contain a statement identifying that amount of assessment which, pursuant to the budget, would be levied upon each unit type, exclusive of any special assessments, and which shall further identify the basis upon which assessments are levied, whether monthly, quarterly, or otherwise; shall state and identify any court cases in which the association is currently a party of record in which the association may face liability in excess of \$100,000; shall state whether the condominium is created within a portion of a building or within a multiple parcel building; and which shall further state whether membership in a recreational facilities association is mandatory, and if so, shall identify the fees currently charged per unit type. The division shall by rule require such other disclosure as in its judgment will assist prospective purchasers. The prospectus or offering circular may include more than one condominium, although not all such units are being offered for sale as of the date of the prospectus or offering circular.

9. Within 45 days after receiving the structural integrity reserve study, the association must distribute a copy of the study to each unit owner or deliver to each unit owner a notice that the completed study is available for inspection and copying upon a written request. Distribution of a copy of the study or notice must be made by United States mail or personal delivery at the mailing address, property address, or any other address of the owner provided to fulfill the association’s notice requirements under this chapter, or by

electronic transmission to the e-mail address or facsimile number provided to fulfill the association's notice requirements to unit owners who previously consented to receive notice by electronic transmission.

10. Within 45 days after receiving the structural integrity reserve study, the association must provide the division with a statement indicating that the study was completed and that the association provided or made available such study to each unit owner in accordance with this section. Such statement must be provided to the division in the manner established by the division using a form posted on the division's website.

719.129 Electronic voting.—

The association may conduct elections and other unit owner votes through an Internet-based online voting system if a unit owner consents, electronically or in writing, to online voting and if the following requirements are met:

- (4) This section applies to an association that provides for and authorizes an online voting system pursuant to this section by a board resolution. If the board authorizes online voting, the board must honor a unit owner's request to vote electronically at all subsequent elections, unless such unit owner opts out of online voting. The board resolution must provide that unit owners receive notice of the opportunity to vote through an online voting system, must establish reasonable procedures and deadlines for unit owners to consent, electronically or in writing, to online voting, and must establish reasonable procedures and deadlines for unit owners to opt out of online voting after giving consent. Written notice of a meeting at which the resolution will be considered must be mailed, delivered, or electronically transmitted to the unit owners and posted conspicuously on the condominium property or association property at least 14 days before the meeting. Evidence of compliance with the 14-day notice requirement must be made by an affidavit executed by the person providing the notice and filed with the official records of the association.
- (5) A unit owner's consent to online voting is valid until the unit owner opts out of online voting pursuant to the procedures established by the board of administration pursuant to subsection (4).
- (6) This section may apply to any matter that requires a vote of the unit owners who are not members of a timeshare cooperative association.

719.301 Transfer of association control.—

Section 28. The Division of Florida Condominiums, Timeshares, and Mobile Homes of the Department of Business and Professional Regulation shall complete a review of the website or application requirements for official records under s. 718.111(12)(g), Florida Statutes, and make recommendations regarding any additional official records of a condominium association that should be included in the record maintenance requirements in the statute. The division shall submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives the findings of its review by January 1, 2025.

Section 29. By January 1, 2025, the Division of Florida Condominiums, Timeshares, and Mobile Homes of the Department of Business and Professional Regulation shall create a database

on its website of the associations that have reported the completion of the structural integrity reserve study under ss. 718.112(2)(g) and 719.106(1)(k), Florida Statutes.

Section 30. For the 2024-2025 fiscal year, the sums of \$6,122,390 in recurring and \$1,293,879 in nonrecurring funds from the General Revenue Fund are appropriated to the Department of Business and Professional Regulation, and 65 full-time equivalent positions with associated salary rate of 3,180,319 are authorized, for the purpose of implementing this act.

Section 31. The amendments made to ss. 718.103(14) and 718.202(3) and s. 718.407(1), (2), and (6), Florida Statutes, as created by this act, are intended to clarify existing law and shall apply retroactively. However, such amendments do not revive or reinstate any right or interest that has been fully and finally adjudicated as invalid before October 1, 2024.

Section 32. The Florida Building Commission shall perform a study on standards to prevent water intrusion through the tracks of sliding glass Ch. 2024-244 LAWS OF FLORIDA Ch. 2024-244 75 CODING: Words stricken are deletions; words underlined are additions. doors, including the consideration of devices designed to further prevent such water intrusion. By December 1, 2024, the Florida Building Commission must provide a written report of its recommendations to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the chairs of the legislative appropriations committees and appropriate substantive committees with jurisdiction over chapter 718, Florida Statutes.

Section 33. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2024. Approved by the Governor June 14, 2024. Filed in Office Secretary of State June 14, 2024. Ch. 2024-244 LAWS OF FLORIDA Ch. 2024-244 76 CODING: Words stricken are deletions; words underlined are additions.

House Bill Number 1021 An act relating to community associations.

Fred's explanation of House Bill No. 1021

This legislative act outlines a comprehensive set of amendments and new provisions related to community associations in Florida, specifically targeting community association managers, management firms, and the governance of condominiums and cooperatives. Below is a summary of the key components of the act:

1. **Return of Official Records:** Community association managers and management firms are required to return official records to the association within a specified timeframe after the termination of their contract. There are penalties for failing to comply with this requirement.
2. **Conflict of Interest Disclosure:** Managers and firms must disclose conflicts of interest to the association's board. A rebuttable presumption of conflict exists, and associations are required to solicit multiple bids for goods or services under certain conditions.
3. **Educational Requirements:** Board members must complete educational requirements before or after their election or appointment, including continuing education on legal changes.
4. **Hurricane Protection:** The act provides guidelines for the installation of hurricane protection, requiring unit owner votes for such installations and specifying responsibilities for costs associated with these installations.
5. **Financial Reporting and Transparency:** Associations must provide annual financial statements and budgets to prospective purchasers and maintain certain records for inspection. There are also requirements for the distribution of structural integrity reserve studies.
6. **Criminal Penalties:** The act establishes criminal penalties for officers, directors, or managers who unlawfully solicit or accept kickbacks, as well as for fraudulent voting activities in association elections.
7. **Website and Electronic Communication:** Associations are required to post certain documents on their websites and allow electronic voting, with provisions for unit owners to consent to electronic communication.
8. **Disciplinary Actions:** The Department of Business and Professional Regulation is granted authority to take disciplinary actions against community association managers and firms for specified violations.
9. **Removal of Officers:** The act outlines circumstances under which officers or directors must be removed from office, particularly in cases of criminal charges.
10. **Miscellaneous Provisions:** The act includes various provisions related to the governance of community associations, including the definition of terms, requirements for meetings, and the handling of official records.

Overall, this act aims to enhance transparency, accountability, and governance within community associations, while also providing protections for unit owners and establishing clear guidelines for the management of these associations.

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

- (3) A community association manager or community association management firm that is authorized by contract to provide community association management services to a homeowners' association shall do all of the following:
- (a) Attend in person at least one member meeting or board meeting of the homeowners' association annually.
 - (b) Provide to the members of the homeowners' association the name and contact information for each community association manager or representative of a community association management firm assigned to the homeowners' association, the manager's or representative's hours of availability, and a summary of the duties for which the manager or representative is responsible. The homeowners' association shall also post this information on the association's website or application required under s. 720.303(4)(b). The community association manager or community association management firm shall update the homeowners' association and its members within 14 business days after any change to such information.
 - (c) Provide to any member upon request a copy of the contract between the community association manager or community association management firm and the homeowners' association and include such contract with association's official records.

468.4337 Continuing education.—

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

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

OFFICIAL RECORDS.—

- (a) The association shall maintain each of the following items, when applicable, for at least 7 years, unless the governing documents of the association require a longer period of time, which constitute the official records of the association:
- ~~8.(h)~~ All of the association's insurance policies or a copy thereof, ~~which policies must be retained for at least 7 years.~~

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

10. The financial and accounting records of the association, kept according to good accounting practices. ~~All financial and accounting records must be maintained for a period of at least 7 years.~~ The financial and accounting records must include:

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

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

a . T h e articles of incorporation of the association and each amendment thereto.

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

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

d. The current rules of the association.

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

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

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

h. The association's current insurance policies.

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

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

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

l . Notice of any scheduled meeting of members and the agenda for the meeting, as required by s. 720.306, at least 14 days before such meeting. The notice must be posted in plain view on the homepage of the website or application, or on a separate subpage of the website or application labeled "Notices" which is conspicuously visible and linked from the homepage. The association shall also post on its website or application any document to be considered and voted on by the members during the meeting or any document listed on the meeting agenda at least 7 days before the meeting at which such document or information within

the document will be considered.

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

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

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

4. The association shall ensure that the information and records described in paragraph (5)(g), which are not allowed to be accessible to parcel owners, are not posted on the association's website or application. If protected information or information restricted from being accessible to parcel owners is included in documents that are required to be posted on the association's website or application, the association must ensure the information is redacted before posting the documents. Notwithstanding the foregoing, the association or its authorized agent is not liable for disclosing information that is protected or restricted under paragraph (5)(g) unless such disclosure was made with a knowing or intentional disregard of the protected or restricted nature of such information.

(c) The association shall adopt written rules governing the method or policy by which the official records of the association are to be retained and the time period such records must be retained pursuant to paragraph (a). Such information must be made available to the parcel owners through the association's website or application.

(5) INSPECTION AND COPYING OF RECORDS.—

(a) Unless otherwise provided by law or the governing documents of the association, the official records must be maintained within this state for at least 7 years and be made available to a parcel owner for inspection or photocopying within 45 miles of the community or within the county in which the association is located within 10 business days after receipt by the board or its designee of a written request from the parcel owner. This subsection may be complied with by having a copy of the official records available for inspection or copying in the community ~~or, at the option of the association,~~ by making the records available to a parcel owner electronically via the Internet or by allowing the records to be viewed in electronic format on a computer screen and printed upon request. If the association has a photocopy machine available where the records are maintained, it must provide parcel owners with copies on request during the inspection if the entire request is limited to no more than 25 pages. An association shall allow a member or his or her authorized representative to use a portable device, including a smartphone, tablet, portable scanner, or any other technology capable of scanning or taking photographs, to make an electronic copy of the official records in lieu of the association's providing the member or his or her authorized representative with a

copy of such records. The association may not charge a fee to a member or his or her authorized representative for the use of a portable device.

- (b) The failure of an association to provide access to the records within 10 business days after receipt of a written request submitted by certified mail, return receipt requested, creates a rebuttable presumption that the association willfully failed to comply with this subsection.
- (c) A member ~~who is~~ denied access to official records is entitled to the actual damages or minimum damages for the association's willful failure to comply with this subsection. The minimum damages are to be \$50 per calendar day up to 10 days, the calculation to begin on the 11th business day after receipt of the written request.
- (d) Any director or member of the board or association or a community association manager who knowingly, willfully, and repeatedly violates paragraph (a), with the intent of causing harm to the association or one or more of its members, commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. For purposes of this paragraph, the term "repeatedly" means two or more violations within a 12- month period.
- (e) Any person who knowingly and intentionally defaces or destroys accounting records during the period in which such records are required to be maintained, or who knowingly or intentionally fails to create or maintain accounting records that are required to be created or maintained, with the intent of causing harm to the association or one or more of its members, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.
- (f) Any person who willfully and knowingly refuses to release or otherwise produce association records with the intent to avoid or escape detection, arrest, trial, or punishment for the commission of a crime, or to assist another person with such avoidance or escape, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
- (g) The association may adopt reasonable written rules governing the frequency, time, location, notice, records to be inspected, and manner of inspections, but may not require a parcel owner to demonstrate any proper purpose for the inspection, state any reason for the inspection, or limit a parcel owner's right to inspect records to less than one 8-hour business day per month. The association may impose fees to cover the costs of providing copies of the official records, including the costs of copying and the costs required for personnel to retrieve and copy the records if the time spent retrieving and copying the records exceeds one-half hour and if the personnel costs do not exceed \$20 per hour. Personnel costs may not be charged for records requests that result in the copying of 25 or fewer pages. The association may charge up to 25 cents per page for copies made on the association's photocopier. If the association does not have a photocopy machine available where the records are kept, or if the records requested to be copied exceed 25 pages in length, the association may have copies made by an outside duplicating service and may charge the actual cost of copying, as supported by the vendor invoice. The association shall maintain an adequate number of copies of the recorded governing documents, to ensure their availability to members and prospective members. Notwithstanding this subsection paragraph, the following records are not

accessible to members or parcel owners:

1. Any record protected by the lawyer-client privilege as described in s. 90.502 and any record protected by the work-product privilege, including, but not limited to, a record prepared by an association attorney or prepared at the attorney's express direction which reflects a mental impression, conclusion, litigation strategy, or legal theory of the attorney or the association and which was prepared exclusively for civil or criminal litigation or for adversarial administrative proceedings or which was prepared in anticipation of such litigation or proceedings until the conclusion of the litigation or proceedings.
 2. Information obtained by an association in connection with the approval of the lease, sale, or other transfer of a parcel.
 3. Information an association obtains in a gated community in connection with guests' visits to parcel owners or community residents.
 4. Personnel records of association or management company employees, including, but not limited to, disciplinary, payroll, health, and insurance records. For purposes of this subparagraph, the term "personnel records" does not include written employment agreements with an association or management company employee or budgetary or financial records that indicate the compensation paid to an association or management company employee.
 5. Medical records of parcel owners or community residents.
 6. Social security numbers, driver license numbers, credit card numbers, electronic mailing addresses, telephone numbers, facsimile numbers, emergency contact information, any addresses for a parcel owner other than as provided for association notice requirements, and other personal identifying information of any person, excluding the person's name, parcel designation, mailing address, and property address. Notwithstanding the restrictions in this subparagraph, an association may print and distribute to parcel owners a directory containing the name, parcel address, and all telephone numbers of each parcel owner. However, an owner may exclude his or her telephone numbers from the directory by so requesting in writing to the association. An owner may consent in writing to the disclosure of other contact information described in this subparagraph. The association is not liable for the disclosure of information that is protected under this subparagraph if the information is included in an official record of the association and is voluntarily provided by an owner and not requested by the association.
 7. Any electronic security measure that is used by the association to safeguard data, including passwords.
 8. The software and operating system used by the association which allows the manipulation of data, even if the owner owns a copy of the same software used by the association. The data is part of the official records of the association.
 9. All affirmative acknowledgments made pursuant to s. 720.3085(3)(c)3.
- (h) The association or its authorized agent is not required to provide a prospective purchaser or lienholder with information about the residential subdivision or the association other

than information or documents required by this chapter to be made available or disclosed. The association or its authorized agent may charge a reasonable fee to the prospective purchaser or lienholder or the current parcel owner or member for providing good faith responses to requests for information by or on behalf of a prospective purchaser or lienholder, other than that required by law, if the fee does not exceed \$150 plus the reasonable cost of photocopying and any attorney fees incurred by the association in connection with the response.

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

(6) BUDGETS.—

- (f) After one or more reserve accounts are established, the membership of the association, upon a majority vote at a meeting at which a quorum is present, may provide for no reserves or less reserves than required by this section. If a meeting of the ~~parcel unit~~ owners has been called to determine whether to waive or reduce the funding of reserves and such result is not achieved or a quorum is not present, the reserves as included in the budget go into effect. After the turnover, the developer may vote its voting interest to waive or reduce the funding of reserves. Any vote taken pursuant to this subsection to waive or reduce reserves is applicable only to one budget year.

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

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

1. An association with total annual revenues of \$150,000 or more, but less than \$300,000, shall prepare compiled financial statements.
2. An association with total annual revenues of at least \$300,000, but less than \$500,000, shall prepare reviewed financial statements.
3. An association with total annual revenues of \$500,000 or more shall prepare audited financial statements.
4. An association with at least 1,000 parcels shall prepare audited financial statements.

notwithstanding the association's total annual revenues.

- (d) If approved by a majority of the voting interests present at a properly called meeting of the association, an association may prepare or cause to be prepared:
1. A report of cash receipts and expenditures in lieu of a compiled, reviewed, or audited financial statement;
 2. A report of cash receipts and expenditures or a compiled financial statement in lieu of a reviewed or audited financial statement; or
 3. A report of cash receipts and expenditures, a compiled financial statement, or a reviewed financial statement in lieu of an audited financial statement.

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

(13) DEBIT CARDS.—

- (a) An association and its officers, directors, employees, and agents may not use a debit card issued in the name of the association, or billed directly to the association, for the payment of any association expenses.
- (b) A person who uses a debit card issued in the name of the association, or billed directly to the association, for any expense that is not a lawful obligation of the association commits theft as provided under s. 812.014.

For the purposes of this subsection, the term “lawful obligation of the association” means an obligation that has been properly preapproved by the board and is reflected in the meeting minutes or the written budget.

(14) REQUIREMENT TO PROVIDE AN ACCOUNTING.—A parcel owner may make a written request to the board for a detailed accounting of any amounts he or she owes to the association related to the parcel, and the board shall provide such information within 15 business days after receipt of the written request. After a parcel owner makes such written request to the board, he or she may not request another detailed accounting for at least 90 calendar days. Failure by the board to respond within 15 business days to a written request for a detailed accounting constitutes a complete waiver of any outstanding fines of the person who requested such accounting which are more than 30 days past due and for which the association has not given prior written notice of the imposition of the fines.

720.3033 Officers and directors.—

- (1) (a) Within 90 days after being elected or appointed to the board, each ~~director shall certify in writing to the secretary of the association that he or she has read the association's declaration of covenants, articles of incorporation, bylaws, and current written rules and policies; that he or she will work to uphold such documents and policies to the best of his or her ability; and that he or she will faithfully discharge his or her fiduciary responsibility to the association's members. Within 90 days after being elected or appointed to the board, in lieu of such written certification, the newly elected or appointed~~ director must submit a certificate of having satisfactorily completed the

educational curriculum administered by a department- approved ~~division-approved~~ education provider.

1. The newly elected or appointed director must complete the department-approved education for newly elected or appointed directors within 90 days after being elected or appointed.
 2. The certificate of completion is valid for a up to 4 years.
 3. A director must complete the education specific to newly elected or appointed directors at least every 4 years.
 4. The department-approved educational curriculum specific to newly elected or appointed directors must include training relating to financial literacy and transparency, recordkeeping, levying of fines, and notice and meeting requirements.
 5. In addition to the educational curriculum specific to newly elected or appointed directors:
 - a. A director of an association that has fewer than 2,500 parcels must complete at least 4 hours of continuing education annually.
 - b. A director of an association that has 2,500 parcels or more must complete at least 8 hours of continuing education annually. ~~within 1 year before or 90 days after the date of election or appointment.~~
- (b) ~~The written certification or educational certificate is valid for the uninterrupted tenure of the director on the board.~~ A director who does not timely file the ~~written certification or~~ educational certificate is suspended from the board until he or she complies with the requirement. The board may temporarily fill the vacancy during the period of suspension.
- (c) The association shall retain each director's ~~written certification or~~ educational certificate for inspection by the members for 5 years after the director's election. However, the failure to have the written certification or educational certificate on file does not affect the validity of any board action.
- (d) The department shall adopt rules to implement and administer the educational curriculum and continuing education requirements under this subsection.
- (3) An officer, a director, or a manager may not solicit, offer to accept, or accept a kickback. As used in this subsection, the term "kickback" means any thing or service of value for which consideration has not been provided for an officer's, a director's, or a manager's benefit or for the benefit of a member of his or her immediate family from any person providing or proposing to provide goods or services to the association. An officer, a director, or a manager who knowingly solicits, offers to accept, or accepts a ~~any thing or service of value or~~ kickback commits a felony of the third degree, punishable as provided in s. 775.082, 775.083, or s. 775.084, and ~~for which consideration has not been provided for his or her own benefit or that of his or her immediate family from any person providing or proposing to provide goods or services to the association~~ is subject to monetary damages under s. 617.0834. If the board finds that an officer or a director has violated this subsection, the board must immediately remove the officer or director from office. The vacancy shall be filled according to law until the end of the officer's or director's term of office. However, an

officer, a director, or a manager may accept food to be consumed at a business meeting with a value of less than \$25 per individual or a service or good received in connection with trade fairs or education programs.

- (4) (a) A director or an officer charged by information or indictment with any of the following crimes must be removed from office and a vacancy declared:
1. Forgery of a ballot envelope or voting certificate used in a home- owners' association election as provided in s. 831.01.
 2. Theft or embezzlement involving the association's funds or property as provided in s. 812.014.
 3. Destruction of or the refusal to allow inspection or copying of an official record of a homeowners' association which is accessible to parcel owners within the time periods required by general law, in furtherance of any crime. Such act constitutes tampering with physical evidence as provided in s. 918.13.
 4. Obstruction of justice as provided in chapter 843.
 5. Any criminal violation under this chapter.

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

- (1) (a) The authority of an association or any architectural, construction improvement, or other such similar committee of an association to review and approve plans and specifications for the location, size, type, or appearance of any structure or other improvement on a parcel, or to enforce standards for the external appearance of any structure or improvement located on a parcel, shall be permitted only to the extent that the authority is specifically stated or reasonably inferred as to such location, size, type, or appearance in the declaration of covenants or other published guidelines and standards authorized by the declaration of covenants. An association or any architectural, construction improvement, or similar committee of an association must reasonably and equitably apply and enforce on all parcel owners the architectural and construction improvement standards authorized by the declaration of covenants or other published guidelines and standards authorized by the declaration of covenants.
- (b) An association or any architectural, construction improvement, or other such similar committee of an association may not enforce or adopt a covenant, rule, or guideline that:
1. Limits or places requirements on the interior of a structure that is not visible from the parcel's frontage or an adjacent parcel, an adjacent common area, or a community golf course.
 2. Requires the review and approval of plans and specifications for a central air-conditioning, refrigeration, heating, or ventilating system by the association or any architectural, construction improvement, or other such similar committee of an association, if such system is not visible from the parcel's frontage, an adjacent

parcel, an adjacent common area, or a community golf course and is substantially similar to a system that is approved or recommended by the association or a committee thereof.

- (4) (a) Each parcel owner is entitled to the rights and privileges set forth in the declaration of covenants or other published guidelines and standards authorized by the declaration of covenants concerning the architectural use of the parcel, and the construction of permitted structures and improvements on the parcel. Such rights and privileges may not be unreasonably infringed upon or impaired by the association or any architectural, construction improvement, or other such similar committee of the association. If the association or any architectural, construction improvement, or other such similar committee of the association denies a parcel owner's request or application for the construction of a structure or other improvement on a parcel, the association or committee must provide written notice to the parcel owner stating with specificity the rule or covenant on which the association or committee relied when denying the request or application and the specific aspect or part of the proposed improvement that does not conform to such rule or covenant.
- (b) If the association or any architectural, construction improvement, or other such similar committee of the association should unreasonably, knowingly, and willfully infringe upon or impair the rights and privileges set forth in the declaration of covenants or other published guidelines and standards authorized by the declaration of covenants, the adversely affected parcel owner is entitled to recover damages caused by such infringement or impairment, including any costs and reasonable attorney fees incurred in preserving or restoring the rights and privileges of the parcel owner set forth in the declaration of covenants or other published guidelines and standards authorized by the declaration of covenants.

720.3045 Installation, display, and storage of items.—

Regardless of any covenants, restrictions, bylaws, rules, or requirements of an association, and unless prohibited by general law or local ordinance, an association may not restrict parcel owners or their tenants from installing, displaying, or storing any items on a parcel which are not visible from the parcel's frontage or an adjacent parcel, an adjacent common area, or a community golf course, including, but not limited to, artificial turf, boats, flags, vegetable gardens, clotheslines, and recreational vehicles.

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

- (2) An association may levy reasonable fines for violations of the declaration, association bylaws, or reasonable rules of the association. A fine may not exceed \$100 per violation against any member or any member's tenant, guest, or invitee for the failure of the owner of the parcel or its occupant, licensee, or invitee to comply with any provision of the declaration, the association bylaws, or reasonable rules of the association unless otherwise provided in the governing documents. A fine may be levied by the board for each day of a continuing

violation, with a single notice and opportunity for hearing, except that the fine may not exceed \$1,000 in the aggregate unless otherwise provided in the governing documents. A fine of less than \$1,000 may not become a lien against a parcel. In any action to recover a fine, the prevailing party is entitled to reasonable attorney fees and costs from the nonprevailing party as determined by the court.

(b) A fine or suspension levied by the board of administration may not be imposed unless the board first provides at least 14 days' written notice of the parcel owner's right to a hearing to the parcel owner at his or her designated mailing or e-mail address in the association's official records and, if applicable, to any occupant, licensee, or invitee of the parcel owner, sought to be fined or suspended. Such hearing must be held within 90 days after issuance of the notice before a committee of at least three members appointed by the board who are not officers, directors, or employees of the association, or the spouse, parent, child, brother, or sister of an officer, director, or employee. The committee may hold the hearing by telephone or other electronic means. The notice must include a description of the alleged violation; the specific action required to cure such violation, if applicable; and the hearing date, and location, and access information if held by telephone or other electronic means of the hearing. A parcel owner has the right to attend a hearing by telephone or other electronic means.

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

(e) If a violation has been cured before the hearing or in the manner specified in the written notice required in paragraph (b) or paragraph (d), a fine or suspension may not be imposed.

(f) If a violation is not cured and the proposed fine or suspension levied by the board is approved by the committee by a majority vote, the committee must set a date by which the fine must be paid, which date must be at least 30 days after delivery of the written notice required in paragraph (d).

Attorney fees and costs may not be awarded against the parcel owner based on actions taken by the board before the date set for the fine to be paid.

(g) If a violation and the proposed fine or suspension levied by the board is approved by the committee and the violation is not cured or the fine is not paid per the written notice required in paragraph (d), reasonable attorney fees and costs may be awarded to the association. Attorney fees and costs may not begin to accrue until after the date noticed for payment under paragraph (d) and the time for an appeal has expired.

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

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

- (b) Leaving holiday decorations or lights on a structure or other improvement on a parcel longer than indicated in the governing documents, unless such decorations or lights are left up for longer than 1 week after the association provides written notice of the violation to the parcel owner ~~fine payment is due 5 days after notice of the approved fine required under paragraph (d) is provided to the parcel owner and, if applicable, to any occupant, licensee, or invitee of the parcel owner. The association must provide written notice of such fine or suspension by mail or hand delivery to the parcel owner and, if applicable, to any occupant, licensee, or invitee of the parcel owner.~~

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

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

- (a) Willfully and falsely swearing to or affirming an oath or affirmation, or willfully procuring another person to falsely swear to or affirm an oath or affirmation, in connection with or arising out of voting activities.
- (b) Perpetrating or attempting to perpetrate, or aiding in the perpetration of, fraud in connection with a vote cast, to be cast, or attempted to be cast.
- (c) Preventing a member from voting or preventing a member from voting as he or she intended by fraudulently changing or attempting to change a ballot, ballot envelope, vote, or voting certificate of the member.
- (d) Menacing, threatening, or using bribery or any other corruption to attempt, directly or indirectly, to influence, deceive, or deter a member when the member is voting.
- (e) Giving or promising, directly or indirectly, anything of value to another member with the intent to buy the vote of that member or another member or to corruptly influence that member or another member in casting his or her vote. This paragraph does not apply to any food served which is to be consumed at an election rally or a meeting or to any item of nominal value which is used as an election advertisement, including a campaign message designed to be worn by a member.
- (f) Using or threatening to use, directly or indirectly, force, violence, or intimidation or any tactic of coercion or intimidation to induce or compel a member to vote or refrain from voting in an election or on a particular ballot measure.

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

- (a) Knowingly aiding, abetting, or advising a person in the commission of a fraudulent voting activity related to association elections.
- (b) Agreeing, conspiring, combining, or confederating with at least one other person to commit a fraudulent voting activity related to association elections.
- (c) Having knowledge of a fraudulent voting activity related to association elections and giving any aid to the offender with intent that the offender avoid or escape detection, arrest, trial, or punishment.

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

720.3075 Prohibited clauses in association documents.—

- (1) Homeowners' association documents, including declarations of covenants, articles of incorporation, or bylaws, may not preclude:
 - (a) The display of up to two portable, removable flags as described in s. 720.304(2)(a) by property owners. However, all flags must be displayed in a respectful manner consistent with the requirements for the United States flag under 36 U.S.C. chapter 10.
 - (b) A property owner or a tenant, a guest, or an invitee of the property owner from parking his or her personal vehicle, including a pickup truck, in the property owner's driveway, or in any other area at which the property owner or the property owner's tenant, guest, or invitee has a right to park as governed by state, county, and municipal regulations. The homeowners' association documents, including declarations of covenants, articles of incorporation, or bylaws, may not prohibit, regardless of any official insignia or visible designation, a property owner or a tenant, a guest, or an invitee of the property owner from parking his or her work vehicle, which is not a commercial motor vehicle as defined in s. 320.01(25), in the property owner's driveway.
 - (c) A property owner from inviting, hiring, or allowing entry to a contractor or worker on the owner's parcel solely because the contractor or worker is not on a preferred vendor list of the association. Additionally, homeowners' association documents may not preclude a property owner from inviting, hiring, or allowing entry to a contractor or worker on his or her parcel solely because the contractor or worker does not have a professional or an occupational license. The association may not require a contractor or worker to present or prove possession of a professional or an occupational license to be allowed entry onto a property owner's parcel.
 - (d) Operating a vehicle that is not a commercial motor vehicle as defined in s. 320.01(25) in conformance with state traffic laws, on public roads or rights-of-way or the property owner's parcel.

720.3085 Payment for assessments; lien claims.—

Assessments and installments on assessments that are not paid when due bear interest from the due date until paid at the rate provided in the declaration of covenants or the bylaws of the association, which rate may not exceed the rate allowed by law. If no rate is provided in the declaration or bylaws, simple interest accrues at the rate of 18 percent per year. Notwithstanding the declaration or bylaws, compound interest may not accrue on assessments and installments on assessments that are not paid when due.

720.317 Electronic voting.—

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

720.318 First responder vehicles.—

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

House Bill 1203 – An act relating to community associations.



Fred's explanation of House Bill 1203

This legislative act introduces a series of amendments to Florida Statutes concerning homeowners' associations (HOAs). Below is a summary of the key provisions and changes proposed in the act:

1. Community Association Managers and Firms:

- New requirements for community association managers and management firms are established.
- Certain community association managers must complete a specified number of continuing education hours biennially.

2. Official Records Maintenance:

- Homeowners' associations are required to maintain official records for a defined number of years.
- Certain associations must post specific documents on their websites or make them available through an application by a set deadline.
- Requirements for the association's website or application are outlined, including ensuring that sensitive information is not publicly accessible.

3. Information Requests:

- Associations must provide certain information to parcel owners upon request and are protected from liability for disclosing specific information.
- Associations are required to adopt rules regarding these processes.

4. Financial Accountability:

- Certain associations must prepare audited financial statements and cannot prepare financial statements for consecutive years.
- Restrictions are placed on the use of debit cards for association expenses, with criminal penalties for violations.
- Detailed accounting of amounts due to the association must be provided upon written request, with limits on how often such requests can be made.

5. Fines and Penalties:

- Provisions are made for waiving outstanding fines that are significantly overdue under certain conditions.
- Criminal penalties are established for specific actions by officers, directors, or managers of associations.

6. Director Education Requirements:

- Newly elected or appointed directors must meet educational requirements, including

completing a certain number of continuing education hours annually.

7. Architectural and Construction Standards:

- Associations and their committees must apply and enforce standards reasonably and equitably, with written notice required for parcel owners regarding enforcement actions.

8. Rights of Parcel Owners:

- Parcel owners or tenants are authorized to install clotheslines and vegetable gardens under specified conditions.

9. Hearing Procedures:

- The act specifies how fines, suspensions, attorney fees, and costs are determined, including requirements for notices and hearings.
- Provisions are made to prevent fines or suspensions if violations are cured before hearings.

10. Voting and Election Violations:

- Criminal penalties are introduced for certain voting violations within associations.

11. Liens and Assessments:

- Clarifications are made regarding the effectiveness of liens for unpaid assessments, specifying that simple interest accrues on unpaid assessments without compounding.

12. Electronic Voting:

- Members may consent to online voting under certain conditions.

13. Law Enforcement Vehicle Parking:

- Law enforcement officers are authorized to park their assigned vehicles on public roads and rights-of-way.

The act aims to enhance transparency, accountability, and fairness within homeowners' associations while providing protections for both associations and parcel owners. The effective date of the act is yet to be specified.

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

- (3) A community association manager or community association management firm that is authorized by contract to provide community association management services to a homeowners' association shall do all of the following:
- (a) Attend in person at least one member meeting or board meeting of the homeowners' association annually.
 - (b) Provide to the members of the homeowners' association the name and contact information for each community association manager or representative of a community association management firm assigned to the homeowners' association, the manager's or representative's hours of availability, and a summary of the duties for which the manager or representative is responsible. The homeowners' association shall also post this information on the association's website or application required under s. 720.303(4)(b). The community association manager or community association management firm shall update the homeowners' association and its members within 14 business days after any change to such information.
 - (c) Provide to any member upon request a copy of the contract between the community association manager or community association management firm and the homeowners' association and include such contract with association's official records.

468.4337 Continuing education.—

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

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

(4) OFFICIAL RECORDS.—

- (a) The association shall maintain each of the following items, when applicable, for at least 7 years, unless the governing documents of the association require a longer period of time, which constitute the official records of the association:
 - 8. All of the association's insurance policies or a copy thereof. ~~which policies must be retained for at least 7 years.~~
 - 9. A current copy of all contracts to which the association is a party, including, without limitation, any management agreement, lease, or other contract under which the

association has any obligation or responsibility. Bids received by the association for work to be performed are considered official records and must be kept for a period of 1 year.

10. The financial and accounting records of the association, kept according to good accounting practices. ~~All financial and accounting records must be maintained for a period of at least 7 years.~~ The financial and accounting records must include:

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

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

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

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

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

d. The current rules of the association.

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

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

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

h. The association's current insurance policies.

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

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

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

l. Notice of any scheduled meeting of members and the agenda for the meeting, as required by s. 720.306, at least 14 days before such meeting. The notice must be posted in plain view on the homepage of the website or application, or on a separate subpage of the website or application labeled "Notices" which is conspicuously visible and linked from the homepage. The association shall also post on its website or application any document to be considered and voted on by the members during the meeting or any document listed on the meeting agenda at least 7 days before the meeting at which such document or information within the document will be considered.

m. Notice of any board meeting, the agenda, and any other document required for

such meeting as required by subsection (3), which must be posted on the website or application no later than the date required for notice under subsection (3).

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

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

4. The association shall ensure that the information and records described in paragraph (5)(g), which are not allowed to be accessible to parcel owners, are not posted on the association's website or application. If protected information or information restricted from being accessible to parcel owners is included in documents that are required to be posted on the association's website or application, the association must ensure the information is redacted before posting the documents. Notwithstanding the foregoing, the association or its authorized agent is not liable for disclosing information that is protected or restricted under paragraph (5)(g) unless such disclosure was made with a knowing or intentional disregard of the protected or restricted nature of such information.

(c) The association shall adopt written rules governing the method or policy by which the official records of the association are to be retained and the time period such records must be retained pursuant to paragraph (a) (a). Such information must be made available to the parcel owners through the association's website or application.

(5) INSPECTION AND COPYING OF RECORDS.—

(a) Unless otherwise provided by law or the governing documents of the association, the official records must shall be maintained within this state for at least 7 years and shall be made available to a parcel owner for inspection or photocopying within 45 miles of the community or within the county in which the association is located within 10 business days after receipt by the board or its designee of a written request from the parcel owner. This subsection may be complied with by having a copy of the official records available for inspection or copying in the community or, ~~at the option of the association,~~ by making the records available to a parcel owner electronically via the Internet or by allowing the records to be viewed in electronic format on a computer screen and printed upon request. If the association has a photocopy machine available where the records are maintained, it must provide parcel owners with copies on request during the inspection if the entire request is limited to no more than 25 pages. An association shall allow a member or his or her authorized representative to use a portable device, including a smartphone, tablet, portable scanner, or any other technology capable of scanning or taking photographs, to make an electronic copy of the official records in lieu of the association's providing the member or his or her authorized representative with a copy of such records. The association may not charge a fee to a member or his or her authorized representative for the use of a portable device.

- (b) The failure of an association to provide access to the records within 10 business days after receipt of a written request submitted by certified mail, return receipt requested, creates a rebuttable presumption that the association willfully failed to comply with this subsection.
- (c) A member who is denied access to official records is entitled to the actual damages or minimum damages for the association's willful failure to comply with this subsection. The minimum damages are to be \$50 per calendar day up to 10 days, the calculation to begin on the 11th business day after receipt of the written request.
- (d) Any director or member of the board or association or a community association manager who knowingly, willfully, and repeatedly violates paragraph (a), with the intent of causing harm to the association or one or more of its members, commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. For purposes of this paragraph, the term "repeatedly" means two or more violations within a 12- month period.
- (e) Any person who knowingly and intentionally defaces or destroys accounting records during the period in which such records are required to be maintained, or who knowingly or intentionally fails to create or maintain accounting records that are required to be created or maintained, with the intent of causing harm to the association or one or more of its members, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.
- (f) Any person who willfully and knowingly refuses to release or otherwise produce association records with the intent to avoid or escape detection, arrest, trial, or punishment for the commission of a crime, or to assist another person with such avoidance or escape, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
- (g) The association may adopt reasonable written rules governing the frequency, time, location, notice, records to be inspected, and manner of inspections, but may not require a parcel owner to demonstrate any proper purpose for the inspection, state any reason for the inspection, or limit a parcel owner's right to inspect records to less than one 8-hour business day per month. The association may impose fees to cover the costs of providing copies of the official records, including the costs of copying and the costs required for personnel to retrieve and copy the records if the time spent retrieving and copying the records exceeds one-half hour and if the personnel costs do not exceed \$20 per hour. Personnel costs may not be charged for records requests that result in the copying of 25 or fewer pages. The association may charge up to 25 cents per page for copies made on the association's photocopier. If the association does not have a photocopy machine available where the records are kept, or if the records requested to be copied exceed 25 pages in length, the association may have copies made by an outside duplicating service and may charge the actual cost of copying, as supported by the vendor invoice. The association shall maintain an adequate number of copies of the recorded governing documents, to ensure their availability to members and prospective members. Notwithstanding this subsection paragraph, the following records are not accessible to members or parcel owners:
 1. Any record protected by the lawyer-client privilege as described in s.90.502 and any

record protected by the work-product privilege, including, but not limited to, a record prepared by an association attorney or prepared at the attorney's express direction which reflects a mental impression, conclusion, litigation strategy, or legal theory of the attorney or the association and which was prepared exclusively for civil or criminal litigation or for adversarial administrative proceedings or which was prepared in anticipation of such litigation or proceedings until the conclusion of the litigation or proceedings.

2. Information obtained by an association in connection with the approval of the lease, sale, or other transfer of a parcel.
 3. Information an association obtains in a gated community in connection with guests' visits to parcel owners or community residents.
 4. Personnel records of association or management company employees, including, but not limited to, disciplinary, payroll, health, and insurance records. For purposes of this subparagraph, the term "personnel records" does not include written employment agreements with an association or management company employee or budgetary or financial records that indicate the compensation paid to an association or management company employee.
 5. Medical records of parcel owners or community residents.
 6. Social security numbers, driver license numbers, credit card numbers, electronic mailing addresses, telephone numbers, facsimile numbers, emergency contact information, any addresses for a parcel owner other than as provided for association notice requirements, and other personal identifying information of any person, excluding the person's name, parcel designation, mailing address, and property address. Notwithstanding the restrictions in this subparagraph, an association may print and distribute to parcel owners a directory containing the name, parcel address, and all telephone numbers of each parcel owner. However, an owner may exclude his or her telephone numbers from the directory by so requesting in writing to the association. An owner may consent in writing to the disclosure of other contact information described in this subparagraph. The association is not liable for the disclosure of information that is protected under this subparagraph if the information is included in an official record of the association and is voluntarily provided by an owner and not requested by the association.
 7. Any electronic security measure that is used by the association to safeguard data, including passwords.
 8. The software and operating system used by the association which allows the manipulation of data, even if the owner owns a copy of the same software used by the association. The data is part of the official records of the association.
 9. All affirmative acknowledgments made pursuant to s. 720.3085(3)(c)3.
- (h) The association or its authorized agent is not required to provide a prospective purchaser or lienholder with information about the residential subdivision or the association other than information or documents required by this chapter to be made available or disclosed. The association or its authorized agent may charge a reasonable fee to the prospective purchaser or lienholder or the current parcel owner or member for

providing good faith responses to requests for information by or on behalf of a prospective purchaser or lienholder, other than that required by law, if the fee does not exceed \$150 plus the reasonable cost of photocopying and any attorney fees incurred by the association in connection with the response.

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

(6) BUDGETS.—

- (f) After one or more reserve accounts are established, the membership of the association, upon a majority vote at a meeting at which a quorum is present, may provide for no reserves or less reserves than required by this section. If a meeting of the parcel owners has been called to determine whether to waive or reduce the funding of reserves and such result is not achieved or a quorum is not present, the reserves as included in the budget go into effect. After the turnover, the developer may vote its voting interest to waive or reduce the funding of reserves. Any vote taken pursuant to this subsection to waive or reduce reserves is applicable only to one budget year.

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

- (a) An association that meets the criteria of this paragraph shall prepare or cause to be prepared a complete set of financial statements in accordance with generally accepted accounting principles as adopted by the Board of Accountancy. The financial statements shall be based upon the association's total annual revenues, as follows:
 1. An association with total annual revenues of \$150,000 or more, but less than \$300,000, shall prepare compiled financial statements.
 2. An association with total annual revenues of at least \$300,000, but less than \$500,000, shall prepare reviewed financial statements.
 3. An association with total annual revenues of \$500,000 or more shall prepare audited financial statements.
 4. An association with at least 1,000 parcels shall prepare audited financial statements, notwithstanding the association's total annual revenues.
- (d) If approved by a majority of the voting interests present at a properly called meeting of the association, an association may prepare or cause to be prepared:

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

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

13. DEBIT CARDS.—

- (a) An association and its officers, directors, employees, and agents may not use a debit card issued in the name of the association, or billed directly to the association, for the payment of any association expenses.
- (b) A person who uses a debit card issued in the name of the association, or billed directly to the association, for any expense that is not a lawful obligation of the association commits theft as provided under s. 812.014.

For the purposes of this subsection, the term “lawful obligation of the association” means an obligation that has been properly preapproved by the board and is reflected in the meeting minutes or the written budget.

14. REQUIREMENT TO PROVIDE AN ACCOUNTING.—A parcel owner may make a written request to the board for a detailed accounting of any amounts he or she owes to the association related to the parcel, and the board shall provide such information within 15 business days after receipt of the written request. After a parcel owner makes such written request to the board, he or she may not request another detailed accounting for at least 90 calendar days. Failure by the board to respond within 15 business days to a written request for a detailed accounting constitutes a complete waiver of any outstanding fines of the person who requested such accounting which are more than 30 days past due and for which the association has not given prior written notice of the imposition of the fines.

720.3033 Officers and directors.—

- (1) (a) Within 90 days after being elected or appointed to the board, ~~each director shall certify in writing to the secretary of the association that he or she has read the association’s declaration of covenants, articles of incorporation, bylaws, and current written rules and policies; that he or she will work to uphold such documents and policies to the best of his or her ability; and that he or she will faithfully discharge his or her fiduciary responsibility to the association’s members. Within 90 days after being elected or appointed to the board, in lieu of such written certification, the newly elected or appointed~~ the director must submit a certificate of having satisfactorily completed the educational curriculum administered by a department- approved education provider.
 1. The newly elected or appointed director must complete the department-approved education for newly elected or appointed directors within 90 days after being elected or appointed.
 2. The certificate of completion is valid for a up to 4 years.

3. A director must complete the education specific to newly elected or appointed directors at least every 4 years.
4. The department-approved educational curriculum specific to newly elected or appointed directors must include training relating to financial literacy and transparency, recordkeeping, levying of fines, and notice and meeting requirements.
5. In addition to the educational curriculum specific to newly elected or appointed directors:
 - a. A director of an association that has fewer than 2,500 parcels must complete at least 4 hours of continuing education annually.
 - b. A director of an association that has 2,500 parcels or more must complete at least 8 hours of continuing education annually. ~~within 1 year before or 90 days after the date of election or appointment.~~
- (b) ~~The written certification or educational certificate is valid for the uninterrupted tenure of the director on the board.~~ A director who does not timely file the ~~written certification or~~ educational certificate is suspended from the board until he or she complies with the requirement. The board may temporarily fill the vacancy during the period of suspension.
- (c) The association shall retain each director's ~~written certification or~~ educational certificate for inspection by the members for 5 years after the director's election. However, the failure to have the written certification or educational certificate on file does not affect the validity of any board action.
- (d) The department shall adopt rules to implement and administer the educational curriculum and continuing education requirements under this subsection.
- (3) An officer, a director, or a manager may not solicit, offer to accept, or accept a kickback. As used in this subsection, the term "kickback" means any thing or service of value for which consideration has not been provided for an officer's, a director's, or a manager's his or her benefit or for the benefit of a member of his or her immediate family from any person providing or proposing to provide goods or services to the association. An officer, a director, or a manager who knowingly solicits, offers to accept, or accepts a ~~any thing or service of value or~~ kickback commits a felony of the third degree, punishable as provided in s. 775.082, 775.083, or s. 775.084, and ~~for which consideration has not been provided for his or her own benefit or that of his or her immediate family from any person providing or proposing to provide goods or services to the association~~ is subject to monetary damages under s. 617.0834. If the board finds that an officer or a director has violated this subsection, the board must immediately remove the officer or director from office. The vacancy shall be filled according to law until the end of the officer's or director's term of office. However, an officer, a director, or a manager may accept food to be consumed at a business meeting with a value of less than \$25 per individual or a service or good received in connection with trade fairs or education programs.
- (4) (a) A director or an officer charged by information or indictment with any of the following crimes must be removed from office and a vacancy declared:
 1. Forgery of a ballot envelope or voting certificate used in a home- owners' association

- election as provided in s. 831.01.
2. Theft or embezzlement involving the association's funds or property as provided in s. 812.014.
 3. Destruction of or the refusal to allow inspection or copying of an official record of a homeowners' association which is accessible to parcel owners within the time periods required by general law, in furtherance of any crime. Such act constitutes tampering with physical evidence as provided in s. 918.13.
 4. Obstruction of justice as provided in chapter 843.
 5. Any criminal violation under this chapter.

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

- (1) (a) The authority of an association or any architectural, construction improvement, or other such similar committee of an association to review and approve plans and specifications for the location, size, type, or appearance of any structure or other improvement on a parcel, or to enforce standards for the external appearance of any structure or improvement located on a parcel, shall be permitted only to the extent that the authority is specifically stated or reasonably inferred as to such location, size, type, or appearance in the declaration of covenants or other published guidelines and standards authorized by the declaration of covenants. An association or any architectural, construction improvement, or similar committee of an association must reasonably and equitably apply and enforce on all parcel owners the architectural and construction improvement standards authorized by the declaration of covenants or other published guidelines and standards authorized by the declaration of covenants.
- (b) An association or any architectural, construction improvement, or other such similar committee of an association may not enforce or adopt a covenant, rule, or guideline that:
 1. Limits or places requirements on the interior of a structure that is not visible from the parcel's frontage or an adjacent parcel, an adjacent common area, or a community golf course.
 2. Requires the review and approval of plans and specifications for a central air-conditioning, refrigeration, heating, or ventilating system by the association or any architectural, construction improvement, or other such similar committee of an association, if such system is not visible from the parcel's frontage, an adjacent parcel, an adjacent common area, or a community golf course and is substantially similar to a system that is approved or recommended by the association or a committee thereof.
- (4) (a) Each parcel owner is entitled to the rights and privileges set forth in the declaration of covenants or other published guidelines and standards authorized by the declaration of covenants concerning the architectural use of the parcel, ~~and~~ the construction of permitted structures and improvements on the parcel. Such rights and privileges may

not be unreasonably infringed upon or impaired by the association or any architectural, construction improvement, or other such similar committee of the association. If the association or any architectural, construction improvement, or other such similar committee of the association denies a parcel owner's request or application for the construction of a structure or other improvement on a parcel, the association or committee must provide written notice to the parcel owner stating with specificity the rule or covenant on which the association or committee relied when denying the request or application and the specific aspect or part of the proposed improvement that does not conform to such rule or covenant.

- (b) If the association or any architectural, construction improvement, or other such similar committee of the association should unreasonably, knowingly, and willfully infringe upon or impair the rights and privileges set forth in the declaration of covenants or other published guidelines and standards authorized by the declaration of covenants, the adversely affected parcel owner is shall be entitled to recover damages caused by such infringement or impairment, including any costs and reasonable attorney attorney's fees incurred in preserving or restoring the rights and privileges of the parcel owner set forth in the declaration of covenants or other published guidelines and standards authorized by the declaration of covenants.

720.3045 Installation, display, and storage of items.—

Regardless of any covenants, restrictions, bylaws, rules, or requirements of an association, and unless prohibited by general law or local ordinance, an association may not restrict parcel owners or their tenants from installing, displaying, or storing any items on a parcel which are not visible from the parcel's frontage or an adjacent parcel, an adjacent common area, or a community golf course, including, but not limited to, artificial turf, boats, flags, vegetable gardens, clotheslines, and recreational vehicles.

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

- (2) An association may levy reasonable fines for violations of the declaration, association bylaws, or reasonable rules of the association. A fine may not exceed \$100 per violation against any member or any member's tenant, guest, or invitee for the failure of the owner of the parcel or its occupant, licensee, or invitee to comply with any provision of the declaration, the association bylaws, or reasonable rules of the association unless otherwise provided in the governing documents. A fine may be levied by the board for each day of a continuing violation, with a single notice and opportunity for hearing, except that the fine may not exceed \$1,000 in the aggregate unless otherwise provided in the governing documents. A fine of less than \$1,000 may not become a lien against a parcel. In any action to recover a fine, the prevailing party is entitled to reasonable attorney fees and costs from the nonprevailing party as determined by the court.
- (b) A fine or suspension levied by the board of administration may not be imposed unless the board first provides at least 14 days' written notice of the parcel owner's right to a hearing to the parcel owner at his or her designated mailing or e-mail address in the association's official records and, if applicable, to any occupant, licensee, or invitee of

the parcel owner, sought to be fined or suspended. Such hearing must be held within 90 days after issuance of the notice before a committee of at least three members appointed by the board who are not officers, directors, or employees of the association, or the spouse, parent, child, brother, or sister of an officer, director, or employee. The committee may hold the hearing by telephone or other electronic means. The notice must include a description of the alleged violation; the specific action required to cure such violation, if applicable; and the hearing date, location, and access information if held by telephone or other electronic means of the hearing. A parcel owner has the right to attend a hearing by telephone or other electronic means.

- (d) Within 7 days after the hearing, the committee shall provide written notice to the parcel owner at his or her designated mailing or e-mail address in the association's official records and, if applicable, any occupant, licensee, or invitee of the parcel owner, of the committee's findings related to the violation, including any applicable fines or suspensions that the committee approved or rejected, and how the parcel owner or any occupant, licensee, or invitee of the parcel owner may cure the violation, if applicable, or fulfill a suspension, or the date by which a fine must be paid.
- (e) If a violation has been cured before the hearing or in the manner specified in the written notice required in paragraph (b) or paragraph (d), a fine or suspension may not be imposed.
- (f) If a violation is not cured and the proposed fine or suspension levied by the board is approved by the committee by a majority vote, the committee must set a date by which the fine must be paid, which date must be at least 30 days after delivery of the written notice required in paragraph (d). Attorney fees and costs may not be awarded against the parcel owner based on actions taken by the board before the date set for the fine to be paid.
- (g) If a violation and the proposed fine or suspension levied by the board is approved by the committee and the violation is not cured or the fine is not paid per the written notice required in paragraph (d), reasonable attorney fees and costs may be awarded to the association. Attorney fees and costs may not begin to accrue until after the date noticed for payment under paragraph (d) and the time for an appeal has expired.
- (7) Notwithstanding any provision to the contrary in an association's governing documents, an association may not levy a fine or impose a suspension for any of the following:
 - (a) Leaving garbage receptacles at the curb or end of the driveway within 24 hours before or after the designated garbage collection day or time.
 - (b) Leaving holiday decorations or lights on a structure or other improvement on a parcel longer than indicated in the governing documents, unless such decorations or lights are left up for longer than 1 week after the association provides written notice of the violation to the parcel owner. ~~fine payment is due 5 days after notice of the approved fine required under paragraph (d) is provided to the parcel owner and, if applicable, to any occupant, licensee, or invitee of the parcel owner. The association must provide written notice of such fine or suspension by mail or hand delivery to the parcel owner and, if applicable, to any occupant, licensee, or invitee of the parcel owner.~~

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

- (1) A person who engages in Each of the following acts of fraudulent voting activity relating to association elections ~~commits and constitutes~~ a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083:
- (a) Willfully and falsely swearing to or affirming an oath or affirmation, or willfully procuring another person to falsely swear to or affirm an oath or affirmation, in connection with or arising out of voting activities.
 - (b) Perpetrating or attempting to perpetrate, or aiding in the perpetration of, fraud in connection with a vote cast, to be cast, or attempted to be cast.
 - (c) Preventing a member from voting or preventing a member from voting as he or she intended by fraudulently changing or attempting to change a ballot, ballot envelope, vote, or voting certificate of the member.
 - (d) Menacing, threatening, or using bribery or any other corruption to attempt, directly or indirectly, to influence, deceive, or deter a member when the member is voting.
 - (e) Giving or promising, directly or indirectly, anything of value to another member with the intent to buy the vote of that member or another member or to corruptly influence that member or another member in casting his or her vote. This paragraph does not apply to any food served which is to be consumed at an election rally or a meeting or to any item of nominal value which is used as an election advertisement, including a campaign message designed to be worn by a member.
 - (f) Using or threatening to use, directly or indirectly, force, violence, or intimidation or any tactic of coercion or intimidation to induce or compel a member to vote or refrain from voting in an election or on a particular ballot measure.
- (2) Each of the following acts constitutes a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083:
- (a) Knowingly aiding, abetting, or advising a person in the commission of a fraudulent voting activity related to association elections.
 - (b) Agreeing, conspiring, combining, or confederating with at least one other person to commit a fraudulent voting activity related to association elections.
 - (c) Knowing a fraudulent voting activity related to association elections and giving any aid to the offender with intent that the offender avoid or escape detection, arrest, trial, or punishment.

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

720.3075 Prohibited clauses in association documents.—

- (3) Homeowners' association documents, including declarations of covenants, articles of incorporation, or bylaws, may not preclude:
- (a) The display of up to two portable, removable flags as described in s. 720.304(2)(a) by

property owners. However, all flags must be displayed in a respectful manner consistent with the requirements for the United States flag under 36 U.S.C. chapter 10.

- (b) A property owner or a tenant, a guest, or an invitee of the property owner from parking his or her personal vehicle, including a pickup truck, in the property owner's driveway, or in any other area at which the property owner or the property owner's tenant, guest, or invitee has a right to park as governed by state, county, and municipal regulations. The homeowners' association documents, including declarations of covenants, articles of incorporation, or bylaws, may not prohibit, regardless of any official insignia or visible designation, a property owner or a tenant, a guest, or an invitee of the property owner from parking his or her work vehicle, which is not a commercial motor vehicle as defined in s. 320.01(25), in the property owner's driveway.
- (c) A property owner from inviting, hiring, or allowing entry to a contractor or worker on the owner's parcel solely because the contractor or worker is not on a preferred vendor list of the association. Additionally, homeowners' association documents may not preclude a property owner from inviting, hiring, or allowing entry to a contractor or worker on his or her parcel solely because the contractor or worker does not have a professional or an occupational license. The association may not require a contractor or worker to present or prove possession of a professional or an occupational license to be allowed entry onto a property owner's parcel.
- (d) Operating a vehicle that is not a commercial motor vehicle as defined in s. 320.01(25) in conformance with state traffic laws, on public roads or rights-of-way or the property owner's parcel.

720.3085 Payment for assessments; lien claims.—

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

720.317 Electronic voting.—

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

720.318 First responder Law enforcement vehicles.—

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



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