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

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

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51 that a vacancy is declared if a director or an officer
 52 is charged by information or indictment with certain
 53 crimes; making technical changes; amending s.
 54 720.3035, F.S.; requiring an association or any
 55 architectural, construction improvement, or other such
 56 similar committee of an association to apply and
 57 enforce certain standards reasonably and equitably;
 58 prohibiting an association or certain committees of
 59 the association from enforcing or adopting certain
 60 covenants, rules, or guidelines; requiring an
 61 association or any architectural, construction
 62 improvement, or other such similar committee of an
 63 association to provide certain written notice to a
 64 parcel owner; amending s. 720.3045, F.S.; authorizing
 65 parcel owners or their tenants to install, display, or
 66 store clotheslines and vegetable gardens under certain
 67 circumstances; conforming to a provision made by this
 68 act; amending s. 720.305, F.S.; specifying the manner
 69 in which fines, suspensions, attorney fees, and costs
 70 are determined; requiring that certain notices be
 71 provided to parcel owners and, if applicable, an
 72 occupant, a licensee, or an invitee of the parcel
 73 owner; requiring that certain hearings be held within
 74 a specified timeframe and authorizing such hearings to
 75 be held by telephone or other electronic means;

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76 | prohibiting a fine or suspension from being imposed if
77 | a violation has been cured before the hearing;
78 | requiring the committee to set a hearing no later than
79 | a specified timeframe if a violation is not cured;
80 | prohibiting attorney fees and costs from being awarded
81 | against a parcel owner based on certain actions by the
82 | board before the date the fine is to be paid;
83 | prohibiting an association from levying a fine or
84 | imposing a suspension for certain actions; amending s.
85 | 720.3065, F.S.; providing criminal penalties for
86 | certain voting violations; providing applicability;
87 | making technical changes; amending s. 720.3075, F.S.;
88 | prohibiting certain homeowners' association documents
89 | from precluding property owners from taking, limiting,
90 | or requiring certain actions; amending s. 720.3085,
91 | F.S.; specifying when a lien is effective for
92 | mortgages of record; deleting provisions relating to
93 | the priority of certain liens, mortgages, or certified
94 | judgments; specifying that simple interest accrues on
95 | assessments and installments on assessments that are
96 | not paid when due; providing that assessments and
97 | installments on assessments may not accrue compound
98 | interest; amending s. 720.317, F.S.; authorizing a
99 | member to consent electronically to online voting if
100 | certain conditions are met; amending s. 720.318, F.S.;

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101 authorizing a law enforcement officer to park his or
 102 her assigned law enforcement vehicle on public roads
 103 and rights-of-way; providing an effective date.

104
 105 Be It Enacted by the Legislature of the State of Florida:

106
 107 Section 1. Subsection (3) is added to section 468.4334,
 108 Florida Statutes, to read:

109 468.4334 Professional practice standards; liability;
 110 community association manager requirements.-

111 (3) A community association manager or community
 112 association management firm that is authorized by contract to
 113 provide community association management services to a
 114 homeowners' association shall do all of the following:

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

117 (b) Provide to the members of the homeowners' association
 118 the name and contact information for each community association
 119 manager or representative of a community association management
 120 firm assigned to the homeowners' association, the manager's or
 121 representative's hours of availability, and a summary of the
 122 duties for which the manager or representative is responsible.

123 The homeowners' association shall also post this information on
 124 the association's website or application required under s.
 125 720.303(4)(b). The community association manager or community

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126 association management firm shall update the homeowners'
 127 association and its members within 14 business days after any
 128 change to such information.

129 (c) Provide to any member upon request a copy of the
 130 contract between the community association manager or community
 131 association management firm and the homeowners' association and
 132 include such contract with association's official records.

133 Section 2. Section 468.4337, Florida Statutes, is amended
 134 to read:

135 468.4337 Continuing education.—The department may not
 136 renew a license until the licensee submits proof that the
 137 licensee has completed the requisite hours of continuing
 138 education. ~~No more than 10 hours of continuing education~~
 139 ~~annually shall be required for renewal of a license.~~ The number
 140 of continuing education hours, criteria, and course content
 141 shall be approved by the council by rule. The council may not
 142 require more than 10 hours of continuing education annually for
 143 renewal of a license. A community association manager who
 144 provides community association management services to a
 145 homeowners' association must biennially complete at least 5
 146 hours of continuing education that pertains specifically to
 147 homeowners' associations, 3 hours of which must relate to
 148 recordkeeping.

149 Section 3. Subsections (1), (4), and (5), paragraph (f) of
 150 subsection (6), and paragraphs (a) and (d) of subsection (7) of

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151 section 720.303, Florida Statutes, are amended, and subsections
 152 (13) and (14) are added to that section, to read:

153 720.303 Association powers and duties; meetings of board;
 154 official records; budgets; financial reporting; association
 155 funds; recalls.—

156 (1) POWERS AND DUTIES.—An association that ~~which~~ operates
 157 a community as defined in s. 720.301, must be operated by an
 158 association that is a Florida corporation. After October 1,
 159 1995, the association must be incorporated and the initial
 160 governing documents must be recorded in the official records of
 161 the county in which the community is located. An association may
 162 operate more than one community. The officers and directors of
 163 an association are subject to s. 617.0830 and have a fiduciary
 164 relationship to the members who are served by the association.
 165 The powers and duties of an association include those set forth
 166 in this chapter and, except as expressly limited or restricted
 167 in this chapter, those set forth in the governing documents.
 168 After control of the association is obtained by members other
 169 than the developer, the association may institute, maintain,
 170 settle, or appeal actions or hearings in its name on behalf of
 171 all members concerning matters of common interest to the
 172 members, including, but not limited to, the common areas; roof
 173 or structural components of a building, or other improvements
 174 for which the association is responsible; mechanical,
 175 electrical, or plumbing elements serving an improvement or

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176 building for which the association is responsible;
177 representations of the developer pertaining to any existing or
178 proposed commonly used facility; and protesting ad valorem taxes
179 on commonly used facilities. The association may defend actions
180 in eminent domain or bring inverse condemnation actions. Before
181 commencing litigation against any party in the name of the
182 association involving amounts in controversy in excess of
183 \$100,000, the association must obtain the affirmative approval
184 of a majority of the voting interests at a meeting of the
185 membership at which a quorum has been attained. This subsection
186 does not limit any statutory or common-law right of any
187 individual member or class of members to bring any action
188 without participation by the association. A member does not have
189 authority to act for the association by virtue of being a
190 member. An association may have more than one class of members
191 and may issue membership certificates. An association of 15 or
192 fewer parcel owners may enforce only the requirements of those
193 deed restrictions established prior to the purchase of each
194 parcel upon an affected parcel owner or owners.

195 (4) OFFICIAL RECORDS.—

196 (a) The association shall maintain each of the following
197 items, when applicable, for at least 7 years, unless the
198 governing documents of the association require a longer period
199 of time, which constitute the official records of the
200 association:

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201 1.~~(a)~~ Copies of any plans, specifications, permits, and
 202 warranties related to improvements constructed on the common
 203 areas or other property that the association is obligated to
 204 maintain, repair, or replace.

205 2.~~(b)~~ A copy of the bylaws of the association and of each
 206 amendment to the bylaws.

207 3.~~(c)~~ A copy of the articles of incorporation of the
 208 association and of each amendment thereto.

209 4.~~(d)~~ A copy of the declaration of covenants and a copy of
 210 each amendment thereto.

211 5.~~(e)~~ A copy of the current rules of the homeowners'
 212 association.

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

216 7.~~(g)~~ A current roster of all members and their designated
 217 mailing addresses and parcel identifications. A member's
 218 designated mailing address is the member's property address,
 219 unless the member has sent written notice to the association
 220 requesting that a different mailing address be used for all
 221 required notices. The association shall also maintain the e-mail
 222 addresses and the facsimile numbers designated by members for
 223 receiving notice sent by electronic transmission of those
 224 members consenting to receive notice by electronic transmission.
 225 A member's e-mail address is the e-mail address the member

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226 provided when consenting in writing to receiving notice by
227 electronic transmission, unless the member has sent written
228 notice to the association requesting that a different e-mail
229 address be used for all required notices. The e-mail addresses
230 and facsimile numbers provided by members to receive notice by
231 electronic transmission must be removed from association records
232 when the member revokes consent to receive notice by electronic
233 transmission. However, the association is not liable for an
234 erroneous disclosure of the e-mail address or the facsimile
235 number for receiving electronic transmission of notices.

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

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

246 10.~~(j)~~ The financial and accounting records of the
247 association, kept according to good accounting practices. ~~All~~
248 ~~financial and accounting records must be maintained for a period~~
249 ~~of at least 7 years.~~ The financial and accounting records must
250 include:

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251 a.1. Accurate, itemized, and detailed records of all
 252 receipts and expenditures.

253 b.2. A current account and a periodic statement of the
 254 account for each member, designating the name and current
 255 address of each member who is obligated to pay assessments, the
 256 due date and amount of each assessment or other charge against
 257 the member, the date and amount of each payment on the account,
 258 and the balance due.

259 c.3. All tax returns, financial statements, and financial
 260 reports of the association.

261 d.4. Any other records that identify, measure, record, or
 262 communicate financial information.

263 11.~~(k)~~ A copy of the disclosure summary described in s.
 264 720.401(1).

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

269 13.~~(m)~~ All affirmative acknowledgments made pursuant to s.
 270 720.3085(3)(c)3.

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

274 (b)1. By January 1, 2025, an association that has 100 or
 275 more parcels shall post the following documents on its website

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276 or make available such documents through an application that can
 277 be downloaded on a mobile device:

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

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

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

284 d. The current rules of the association.

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

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

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

296 h. The association's current insurance policies.

297 i. The certification of each director as required by s.
 298 720.3033(1)(a).

299 j. All contracts or transactions between the association
 300 and any director, officer, corporation, firm, or association

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301 that is not an affiliated homeowners' association or any other
302 entity in which a director of an association is also a director
303 or an officer and has a financial interest.

304 k. Any contract or document regarding a conflict of
305 interest or possible conflict of interest as provided in ss.
306 468.436(2)(b)6. and 720.3033(2).

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

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

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

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326 owners and employees of the association.

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

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

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

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

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376 or his or her authorized representative for the use of a
 377 portable device.

378 (b)-(a) The failure of an association to provide access to
 379 the records within 10 business days after receipt of a written
 380 request submitted by certified mail, return receipt requested,
 381 creates a rebuttable presumption that the association willfully
 382 failed to comply with this subsection.

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

389 (d) Any director or member of the board or association or
 390 a community association manager who knowingly, willfully, and
 391 repeatedly violates paragraph (a), with the intent of causing
 392 harm to the association or one or more of its members, commits a
 393 misdemeanor of the second degree, punishable as provided in s.
 394 775.082 or s. 775.083. For purposes of this paragraph, the term
 395 "repeatedly" means two or more violations within a 12-month
 396 period.

397 (e) Any person who knowingly and intentionally defaces or
 398 destroys accounting records during the period in which such
 399 records are required to be maintained, or who knowingly or
 400 intentionally fails to create or maintain accounting records

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401 that are required to be created or maintained, with the intent
402 of causing harm to the association or one or more of its
403 members, commits a misdemeanor of the first degree, punishable
404 as provided in s. 775.082 or s. 775.083.

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

411 (g)-(e) The association may adopt reasonable written rules
412 governing the frequency, time, location, notice, records to be
413 inspected, and manner of inspections, but may not require a
414 parcel owner to demonstrate any proper purpose for the
415 inspection, state any reason for the inspection, or limit a
416 parcel owner's right to inspect records to less than one 8-hour
417 business day per month. The association may impose fees to cover
418 the costs of providing copies of the official records, including
419 the costs of copying and the costs required for personnel to
420 retrieve and copy the records if the time spent retrieving and
421 copying the records exceeds one-half hour and if the personnel
422 costs do not exceed \$20 per hour. Personnel costs may not be
423 charged for records requests that result in the copying of 25 or
424 fewer pages. The association may charge up to 25 cents per page
425 for copies made on the association's photocopier. If the

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426 association does not have a photocopy machine available where
427 the records are kept, or if the records requested to be copied
428 exceed 25 pages in length, the association may have copies made
429 by an outside duplicating service and may charge the actual cost
430 of copying, as supported by the vendor invoice. The association
431 shall maintain an adequate number of copies of the recorded
432 governing documents, to ensure their availability to members and
433 prospective members. Notwithstanding this subsection ~~paragraph~~,
434 the following records are not accessible to members or parcel
435 owners:

436 1. Any record protected by the lawyer-client privilege as
437 described in s. 90.502 and any record protected by the work-
438 product privilege, including, but not limited to, a record
439 prepared by an association attorney or prepared at the
440 attorney's express direction which reflects a mental impression,
441 conclusion, litigation strategy, or legal theory of the attorney
442 or the association and which was prepared exclusively for civil
443 or criminal litigation or for adversarial administrative
444 proceedings or which was prepared in anticipation of such
445 litigation or proceedings until the conclusion of the litigation
446 or proceedings.

447 2. Information obtained by an association in connection
448 with the approval of the lease, sale, or other transfer of a
449 parcel.

450 3. Information an association obtains in a gated community

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451 in connection with guests' visits to parcel owners or community
 452 residents.

453 4. Personnel records of association or management company
 454 employees, including, but not limited to, disciplinary, payroll,
 455 health, and insurance records. For purposes of this
 456 subparagraph, the term "personnel records" does not include
 457 written employment agreements with an association or management
 458 company employee or budgetary or financial records that indicate
 459 the compensation paid to an association or management company
 460 employee.

461 5. Medical records of parcel owners or community
 462 residents.

463 6. Social security numbers, driver license numbers, credit
 464 card numbers, electronic mailing addresses, telephone numbers,
 465 facsimile numbers, emergency contact information, any addresses
 466 for a parcel owner other than as provided for association notice
 467 requirements, and other personal identifying information of any
 468 person, excluding the person's name, parcel designation, mailing
 469 address, and property address. Notwithstanding the restrictions
 470 in this subparagraph, an association may print and distribute to
 471 parcel owners a directory containing the name, parcel address,
 472 and all telephone numbers of each parcel owner. However, an
 473 owner may exclude his or her telephone numbers from the
 474 directory by so requesting in writing to the association. An
 475 owner may consent in writing to the disclosure of other contact

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476 information described in this subparagraph. The association is
 477 not liable for the disclosure of information that is protected
 478 under this subparagraph if the information is included in an
 479 official record of the association and is voluntarily provided
 480 by an owner and not requested by the association.

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

483 8. The software and operating system used by the
 484 association which allows the manipulation of data, even if the
 485 owner owns a copy of the same software used by the association.
 486 The data is part of the official records of the association.

487 9. All affirmative acknowledgments made pursuant to s.
 488 720.3085(3)(c)3.

489 (h)~~(d)~~ The association or its authorized agent is not
 490 required to provide a prospective purchaser or lienholder with
 491 information about the residential subdivision or the association
 492 other than information or documents required by this chapter to
 493 be made available or disclosed. The association or its
 494 authorized agent may charge a reasonable fee to the prospective
 495 purchaser or lienholder or the current parcel owner or member
 496 for providing good faith responses to requests for information
 497 by or on behalf of a prospective purchaser or lienholder, other
 498 than that required by law, if the fee does not exceed \$150 plus
 499 the reasonable cost of photocopying and any attorney fees
 500 incurred by the association in connection with the response.

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

509 (6) BUDGETS.—

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

522 (7) FINANCIAL REPORTING.—Within 90 days after the end of
 523 the fiscal year, or annually on the date provided in the bylaws,
 524 the association shall prepare and complete, or contract with a
 525 third party for the preparation and completion of, a financial

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526 report for the preceding fiscal year. Within 21 days after the
 527 final financial report is completed by the association or
 528 received from the third party, but not later than 120 days after
 529 the end of the fiscal year or other date as provided in the
 530 bylaws, the association shall, within the time limits set forth
 531 in subsection (5), provide each member with a copy of the annual
 532 financial report or a written notice that a copy of the
 533 financial report is available upon request at no charge to the
 534 member. Financial reports shall be prepared as follows:

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

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

544 2. An association with total annual revenues of at least
 545 \$300,000, but less than \$500,000, shall prepare reviewed
 546 financial statements.

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

549 4. An association with at least 1,000 parcels shall
 550 prepare audited financial statements, notwithstanding the

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551 association's total annual revenues.

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

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

557 2. A report of cash receipts and expenditures or a
 558 compiled financial statement in lieu of a reviewed or audited
 559 financial statement; or

560 3. A report of cash receipts and expenditures, a compiled
 561 financial statement, or a reviewed financial statement in lieu
 562 of an audited financial statement.

563
 564 An association may not prepare a financial statement pursuant to
 565 this paragraph for consecutive fiscal years.

566 (13) DEBIT CARDS.—

567 (a) An association and its officers, directors, employees,
 568 and agents may not use a debit card issued in the name of the
 569 association, or billed directly to the association, for the
 570 payment of any association expenses.

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

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

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

593 Section 4. Subsections (1) and (3) and paragraph (a) of
 594 subsection (4) of section 720.3033, Florida Statutes, are
 595 amended to read:

596 720.3033 Officers and directors.—

597 (1)(a) Within 90 days after being elected or appointed to
 598 the board, each ~~director shall certify in writing to the~~
 599 ~~secretary of the association that he or she has read the~~
 600 ~~association's declaration of covenants, articles of~~

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601 ~~incorporation, bylaws, and current written rules and policies;~~
602 ~~that he or she will work to uphold such documents and policies~~
603 ~~to the best of his or her ability; and that he or she will~~
604 ~~faithfully discharge his or her fiduciary responsibility to the~~
605 ~~association's members. Within 90 days after being elected or~~
606 ~~appointed to the board, in lieu of such written certification,~~
607 ~~the newly elected or appointed director must may submit a~~
608 certificate of having satisfactorily completed the educational
609 curriculum administered by a department-approved ~~division-~~
610 ~~approved~~ education provider.

611 1. The newly elected or appointed director must complete
612 the department-approved education for newly elected or appointed
613 directors within 90 days after being elected or appointed.

614 2. The certificate of completion is valid for a up to 4
615 years.

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

618 4. The department-approved educational curriculum specific
619 to newly elected or appointed directors must include training
620 relating to financial literacy and transparency, recordkeeping,
621 levying of fines, and notice and meeting requirements.

622 5. In addition to the educational curriculum specific to
623 newly elected or appointed directors:

624 a. A director of an association that has fewer than 2,500
625 parcels must complete at least 4 hours of continuing education

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626 annually.

627 b. A director of an association that has 2,500 parcels or
 628 more must complete at least 8 hours of continuing education
 629 annually within 1 year before or 90 days after the date of
 630 election or appointment.

631 (b) ~~The written certification or educational certificate~~
 632 ~~is valid for the uninterrupted tenure of the director on the~~
 633 ~~board.~~ A director who does not timely file the ~~written~~
 634 ~~certification or educational certificate~~ is ~~shall be~~ suspended
 635 from the board until he or she complies with the requirement.
 636 The board may temporarily fill the vacancy during the period of
 637 suspension.

638 (c) The association shall retain each director's ~~written~~
 639 ~~certification or educational certificate~~ for inspection by the
 640 members for 5 years after the director's election. However, the
 641 failure to have the written certification or educational
 642 certificate on file does not affect the validity of any board
 643 action.

644 (d) The department shall adopt rules to implement and
 645 administer the educational curriculum and continuing education
 646 requirements under this subsection.

647 (3) An officer, a director, or a manager may not solicit,
 648 offer to accept, or accept a kickback. As used in this
 649 subsection, the term "kickback" means any thing or service of
 650 value for which consideration has not been provided for an

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651 officer's, a director's, or a manager's ~~his or her~~ benefit or
 652 for the benefit of a member of his or her immediate family from
 653 any person providing or proposing to provide goods or services
 654 to the association. An officer, a director, or a manager who
 655 knowingly solicits, offers to accept, or accepts a ~~any thing or~~
 656 ~~service of value or~~ kickback commits a felony of the third
 657 degree, punishable as provided in s. 775.082, 775.083, or s.
 658 775.084, and for which consideration has not been provided for
 659 ~~his or her own benefit or that of his or her immediate family~~
 660 ~~from any person providing or proposing to provide goods or~~
 661 ~~services to the association~~ is subject to monetary damages under
 662 s. 617.0834. If the board finds that an officer or a director
 663 has violated this subsection, the board must ~~shall~~ immediately
 664 remove the officer or director from office. The vacancy shall be
 665 filled according to law until the end of the officer's or
 666 director's term of office. However, an officer, a director, or a
 667 manager may accept food to be consumed at a business meeting
 668 with a value of less than \$25 per individual or a service or
 669 good received in connection with trade fairs or education
 670 programs.

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

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

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

678 3. Destruction of or the refusal to allow inspection or
679 copying of an official record of a homeowners' association which
680 is accessible to parcel owners within the time periods required
681 by general law, in furtherance of any crime. Such act
682 constitutes tampering with physical evidence as provided in s.
683 918.13.

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

685 5. Any criminal violation under this chapter.

686 Section 5. Subsections (1) and (4) of section 720.3035,
687 Florida Statutes, are amended to read:

688 720.3035 Architectural control covenants; parcel owner
689 improvements; rights and privileges.—

690 (1) (a) The authority of an association or any
691 architectural, construction improvement, or other such similar
692 committee of an association to review and approve plans and
693 specifications for the location, size, type, or appearance of
694 any structure or other improvement on a parcel, or to enforce
695 standards for the external appearance of any structure or
696 improvement located on a parcel, shall be permitted only to the
697 extent that the authority is specifically stated or reasonably
698 inferred as to such location, size, type, or appearance in the
699 declaration of covenants or other published guidelines and
700 standards authorized by the declaration of covenants. An

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701 association or any architectural, construction improvement, or
 702 similar committee of an association must reasonably and
 703 equitably apply and enforce on all parcel owners the
 704 architectural and construction improvement standards authorized
 705 by the declaration of covenants or other published guidelines
 706 and standards authorized by the declaration of covenants.

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

710 1. Limits or places requirements on the interior of a
 711 structure that is not visible from the parcel's frontage or an
 712 adjacent parcel, an adjacent common area, or a community golf
 713 course.

714 2. Requires the review and approval of plans and
 715 specifications for a central air-conditioning, refrigeration,
 716 heating, or ventilating system by the association or any
 717 architectural, construction improvement, or other such similar
 718 committee of an association, if such system is not visible from
 719 the parcel's frontage, an adjacent parcel, an adjacent common
 720 area, or a community golf course and is substantially similar to
 721 a system that is approved or recommended by the association or a
 722 committee thereof.

723 (4)(a) Each parcel owner ~~is~~ shall be entitled to the
 724 rights and privileges set forth in the declaration of covenants
 725 or other published guidelines and standards authorized by the

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726 | declaration of covenants concerning the architectural use of the
727 | parcel, and the construction of permitted structures and
728 | improvements on the parcel. ~~and~~ Such rights and privileges may
729 | ~~shall~~ not be unreasonably infringed upon or impaired by the
730 | association or any architectural, construction improvement, or
731 | other such similar committee of the association. If the
732 | association or any architectural, construction improvement, or
733 | other such similar committee of the association denies a parcel
734 | owner's request or application for the construction of a
735 | structure or other improvement on a parcel, the association or
736 | committee must provide written notice to the parcel owner
737 | stating with specificity the rule or covenant on which the
738 | association or committee relied when denying the request or
739 | application and the specific aspect or part of the proposed
740 | improvement that does not conform to such rule or covenant.

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

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751 declaration of covenants or other published guidelines and
 752 standards authorized by the declaration of covenants.

753 Section 6. Section 720.3045, Florida Statutes, is amended
 754 to read:

755 720.3045 Installation, display, and storage of items.—
 756 Regardless of any covenants, restrictions, bylaws, rules, or
 757 requirements of an association, and unless prohibited by general
 758 law or local ordinance, an association may not restrict parcel
 759 owners or their tenants from installing, displaying, or storing
 760 any items on a parcel which are not visible from the parcel's
 761 frontage or an adjacent parcel, an adjacent common area, or a
 762 community golf course, including, but not limited to, artificial
 763 turf, boats, flags, vegetable gardens, clotheslines, and
 764 recreational vehicles.

765 Section 7. Present paragraph (e) of subsection (2) of
 766 section 720.305, Florida Statutes, is redesignated as paragraph
 767 (f) and amended, a new paragraph (e) and paragraph (g) are added
 768 to that subsection, subsection (7) is added to that section, and
 769 paragraphs (b) and (d) of subsection (2) of that section are
 770 amended, to read:

771 720.305 Obligations of members; remedies at law or in
 772 equity; levy of fines and suspension of use rights.—

773 (2) An association may levy reasonable fines for
 774 violations of the declaration, association bylaws, or reasonable
 775 rules of the association. A fine may not exceed \$100 per

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776 violation against any member or any member's tenant, guest, or
 777 invitee for the failure of the owner of the parcel or its
 778 occupant, licensee, or invitee to comply with any provision of
 779 the declaration, the association bylaws, or reasonable rules of
 780 the association unless otherwise provided in the governing
 781 documents. A fine may be levied by the board for each day of a
 782 continuing violation, with a single notice and opportunity for
 783 hearing, except that the fine may not exceed \$1,000 in the
 784 aggregate unless otherwise provided in the governing documents.
 785 A fine of less than \$1,000 may not become a lien against a
 786 parcel. In any action to recover a fine, the prevailing party is
 787 entitled to reasonable attorney fees and costs from the
 788 nonprevailing party as determined by the court.

789 (b) A fine or suspension levied by the board of
 790 administration may not be imposed unless the board first
 791 provides at least 14 days' written notice of the parcel owner's
 792 right to a hearing to the parcel owner at his or her designated
 793 mailing or e-mail address in the association's official records
 794 and, if applicable, to any occupant, licensee, or invitee of the
 795 parcel owner, sought to be fined or suspended. Such and a
 796 hearing must be held within 90 days after issuance of the notice
 797 before a committee of at least three members appointed by the
 798 board who are not officers, directors, or employees of the
 799 association, or the spouse, parent, child, brother, or sister of
 800 an officer, director, or employee. The committee may hold the

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801 hearing by telephone or other electronic means. The notice must
802 include a description of the alleged violation; the specific
803 action required to cure such violation, if applicable; and the
804 hearing date, and location, and access information if held by
805 telephone or other electronic means ~~of the hearing~~. A parcel
806 owner has the right to attend a hearing by telephone or other
807 electronic means.

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

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

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

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

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

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

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

842 (b) Leaving holiday decorations or lights on a structure
 843 or other improvement on a parcel longer than indicated in the
 844 governing documents, unless such decorations or lights are left
 845 up for longer than 1 week after the association provides written
 846 notice of the violation to the parcel owner ~~fine payment is due~~
 847 ~~5 days after notice of the approved fine required under~~
 848 ~~paragraph (d) is provided to the parcel owner and, if~~
 849 ~~applicable, to any occupant, licensee, or invitee of the parcel~~
 850 ~~owner. The association must provide written notice of such fine~~

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851 ~~or suspension by mail or hand delivery to the parcel owner and,~~
 852 ~~if applicable, to any occupant, licensee, or invitee of the~~
 853 ~~parcel owner.~~

854 Section 8. Section 720.3065, Florida Statutes, is amended
 855 to read:

856 720.3065 Fraudulent voting activities relating to
 857 association elections; penalties.—

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

862 (a)~~(1)~~ Willfully and falsely swearing to or affirming an
 863 oath or affirmation, or willfully procuring another person to
 864 falsely swear to or affirm an oath or affirmation, in connection
 865 with or arising out of voting activities.

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

869 (c)~~(3)~~ Preventing a member from voting or preventing a
 870 member from voting as he or she intended by fraudulently
 871 changing or attempting to change a ballot, ballot envelope,
 872 vote, or voting certificate of the member.

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

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876 (e)~~(5)~~ Giving or promising, directly or indirectly,
 877 anything of value to another member with the intent to buy the
 878 vote of that member or another member or to corruptly influence
 879 that member or another member in casting his or her vote. This
 880 paragraph ~~subsection~~ does not apply to any food served which is
 881 to be consumed at an election rally or a meeting or to any item
 882 of nominal value which is used as an election advertisement,
 883 including a campaign message designed to be worn by a member.

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

889 (2) Each of the following acts constitutes a misdemeanor
 890 of the first degree, punishable as provided in s. 775.082 or s.
 891 775.083:

892 (a) Knowingly aiding, abetting, or advising a person in
 893 the commission of a fraudulent voting activity related to
 894 association elections.

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

898 (c) Having knowledge of a fraudulent voting activity
 899 related to association elections and giving any aid to the
 900 offender with intent that the offender avoid or escape

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901 detection, arrest, trial, or punishment.

902

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

905 Section 9. Subsection (3) of section 720.3075, Florida
 906 Statutes, is amended, and paragraph (c) is added to subsection
 907 (4) of that section, to read:

908 720.3075 Prohibited clauses in association documents.—

909 (3) Homeowners' association documents, including
 910 declarations of covenants, articles of incorporation, or bylaws,
 911 may not preclude:

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

917 (b) A property owner or a tenant, a guest, or an invitee
 918 of the property owner from parking his or her personal vehicle,
 919 including a pickup truck, in the property owner's driveway, or
 920 in any other area at which the property owner or the property
 921 owner's tenant, guest, or invitee has a right to park as
 922 governed by state, county, and municipal regulations. The
 923 homeowners' association documents, including declarations of
 924 covenants, articles of incorporation, or bylaws, may not
 925 prohibit, regardless of any official insignia or visible

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926 designation, a property owner or a tenant, a guest, or an
 927 invitee of the property owner from parking his or her work
 928 vehicle, which is not a commercial motor vehicle as defined in
 929 s. 320.01(25), in the property owner's driveway.

930 (c) A property owner from inviting, hiring, or allowing
 931 entry to a contractor or worker on the owner's parcel solely
 932 because the contractor or worker is not on a preferred vendor
 933 list of the association. Additionally, homeowners' association
 934 documents may not preclude a property owner from inviting,
 935 hiring, or allowing entry to a contractor or worker on his or
 936 her parcel solely because the contractor or worker does not have
 937 a professional or an occupational license. The association may
 938 not require a contractor or worker to present or prove
 939 possession of a professional or an occupational license to be
 940 allowed entry onto a property owner's parcel.

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

945 Section 10. Subsection (3) of section 720.3085, Florida
 946 Statutes, are amended to read:

947 720.3085 Payment for assessments; lien claims.—

948 (3) Assessments and installments on assessments that are
 949 not paid when due bear interest from the due date until paid at
 950 the rate provided in the declaration of covenants or the bylaws

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951 of the association, which rate may not exceed the rate allowed
 952 by law. If no rate is provided in the declaration or bylaws,
 953 simple interest accrues at the rate of 18 percent per year.
 954 Notwithstanding the declaration or bylaws, compound interest may
 955 not accrue on assessments and installments on assessments that
 956 are not paid when due.

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

961 (b) Any payment received by an association and accepted
 962 shall be applied first to any interest accrued, then to any
 963 administrative late fee, then to any costs and reasonable
 964 attorney fees incurred in collection, and then to the delinquent
 965 assessment. This paragraph applies notwithstanding any
 966 restrictive endorsement, designation, or instruction placed on
 967 or accompanying a payment. A late fee is not subject to the
 968 provisions of chapter 687 and is not a fine. The foregoing is
 969 applicable notwithstanding s. 673.3111, any purported accord and
 970 satisfaction, or any restrictive endorsement, designation, or
 971 instruction placed on or accompanying a payment. The preceding
 972 sentence is intended to clarify existing law.

973 (c)1. If an association sends out an invoice for
 974 assessments or a parcel's statement of the account described in
 975 s. 720.303(4)(a)10.b. ~~s. 720.303(4)(j)2.~~, the invoice for

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976 assessments or the parcel's statement of account must be
977 delivered to the parcel owner by first-class United States mail
978 or by electronic transmission to the parcel owner's e-mail
979 address maintained in the association's official records.

980 2. Before changing the method of delivery for an invoice
981 for assessments or the statement of the account, the association
982 must deliver a written notice of such change to each parcel
983 owner. The written notice must be delivered to the parcel owner
984 at least 30 days before the association sends the invoice for
985 assessments or the statement of the account by the new delivery
986 method. The notice must be sent by first-class United States
987 mail to the owner at his or her last address as reflected in the
988 association's records and, if such address is not the parcel
989 address, must be sent by first-class United States mail to the
990 parcel address. Notice is deemed to have been delivered upon
991 mailing as required by this subparagraph.

992 3. A parcel owner must affirmatively acknowledge his or
993 her understanding that the association will change its method of
994 delivery of the invoice for assessments or the statement of the
995 account before the association may change the method of
996 delivering an invoice for assessments or the statement of
997 account. The parcel owner may make the affirmative
998 acknowledgment electronically or in writing.

999 (d) An association may not require payment of attorney
1000 fees related to a past due assessment without first delivering a

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1001 written notice of late assessment to the parcel owner which
 1002 specifies the amount owed the association and provides the
 1003 parcel owner an opportunity to pay the amount owed without the
 1004 assessment of attorney fees. The notice of late assessment must
 1005 be sent by first-class United States mail to the owner at his or
 1006 her last address as reflected in the association's records and,
 1007 if such address is not the parcel address, must also be sent by
 1008 first-class United States mail to the parcel address. Notice is
 1009 deemed to have been delivered upon mailing as required by this
 1010 paragraph. A rebuttable presumption that an association mailed a
 1011 notice in accordance with this paragraph is established if a
 1012 board member, officer, or agent of the association, or a manager
 1013 licensed under part VIII of chapter 468, provides a sworn
 1014 affidavit attesting to such mailing. The notice must be in
 1015 substantially the following form:

1016
 1017 NOTICE OF LATE ASSESSMENT

1018 RE: Parcel of ... (name of association) ...

1019 The following amounts are currently due on your
 1020 account to ... (name of association) ..., and must be
 1021 paid within 30 days after the date of this letter.

1022 This letter shall serve as the association's notice to
 1023 proceed with further collection action against your
 1024 property no sooner than 30 days after the date of this
 1025 letter, unless you pay in full the amounts set forth

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1026 below:
 1027 Maintenance due ...(dates)... \$.
 1028 Late fee, if applicable \$.
 1029 Interest through ...(dates)...* \$.
 1030 TOTAL OUTSTANDING \$.
 1031 *Interest accrues at the rate of percent per
 1032 annum.

1033
 1034 Section 11. Section 720.317, Florida Statutes, is amended
 1035 to read:

1036 720.317 Electronic voting.—

1037 (1) The association may conduct elections and other
 1038 membership votes through an Internet-based online voting system
 1039 if a member consents, electronically or in writing, to online
 1040 voting and if the following requirements are met:

1041 (a)~~(1)~~ The association provides each member with:

1042 1.~~(a)~~ A method to authenticate the member's identity to
 1043 the online voting system.

1044 2.~~(b)~~ A method to confirm, at least 14 days before the
 1045 voting deadline, that the member's electronic device can
 1046 successfully communicate with the online voting system.

1047 3.~~(c)~~ A method that is consistent with the election and
 1048 voting procedures in the association's bylaws.

1049 (b)~~(2)~~ The association uses an online voting system that
 1050 is:

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1051 1.~~(a)~~ Able to authenticate the member's identity.

1052 2.~~(b)~~ Able to authenticate the validity of each electronic

1053 vote to ensure that the vote is not altered in transit.

1054 3.~~(c)~~ Able to transmit a receipt from the online voting

1055 system to each member who casts an electronic vote.

1056 4.~~(d)~~ Able to permanently separate any authentication or

1057 identifying information from the electronic election ballot,

1058 rendering it impossible to tie an election ballot to a specific

1059 member. This subparagraph ~~paragraph~~ only applies if the

1060 association's bylaws provide for secret ballots for the election

1061 of directors.

1062 5.~~(e)~~ Able to store and keep electronic ballots accessible

1063 to election officials for recount, inspection, and review

1064 purposes.

1065 (2)~~(3)~~ A member voting electronically pursuant to this

1066 section shall be counted as being in attendance at the meeting

1067 for purposes of determining a quorum.

1068 (3)~~(4)~~ This section applies to an association that

1069 provides for and authorizes an online voting system pursuant to

1070 this section by a board resolution. The board resolution must

1071 provide that members receive notice of the opportunity to vote

1072 through an online voting system, must establish reasonable

1073 procedures and deadlines for members to consent, electronically

1074 or in writing, to online voting, and must establish reasonable

1075 procedures and deadlines for members to opt out of online voting

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1076 after giving consent. Written notice of a meeting at which the
 1077 board resolution regarding online voting will be considered must
 1078 be mailed, delivered, or electronically transmitted to the unit
 1079 owners and posted conspicuously on the condominium property or
 1080 association property at least 14 days before the meeting.

1081 Evidence of compliance with the 14-day notice requirement must
 1082 be made by an affidavit executed by the person providing the
 1083 notice and filed with the official records of the association.

1084 ~~(4)-(5)~~ A member's consent to online voting is valid until
 1085 the member opts out of online voting pursuant to the procedures
 1086 established by the board of administration under subsection (3)
 1087 ~~pursuant to subsection (4)~~.

1088 ~~(5)-(6)~~ This section may apply to any matter that requires
 1089 a vote of the members.

1090 Section 12. Section 720.318, Florida Statutes, is amended
 1091 to read:

1092 720.318 First responder ~~Law enforcement~~ vehicles.—An
 1093 association may not prohibit a first responder ~~law enforcement~~
 1094 ~~officer~~, as defined in s. 112.1815(1) ~~s. 943.10(1)~~, who is a
 1095 parcel owner, or who is a tenant, guest, or invitee of a parcel
 1096 owner, from parking his or her assigned first responder ~~law~~
 1097 ~~enforcement~~ vehicle in an area where the parcel owner, or the
 1098 tenant, guest, or invitee of the parcel owner, otherwise has a
 1099 right to park, including on public roads or rights-of-way.

1100 Section 13. This act shall take effect July 1, 2024.