



HOMEOWNERS' ASSOCIATIONS

Florida Statute 720.301(8) – Definitions

Revises the definition of governing documents to now include:

Added language – (b) [. . .]; and (c) Rules and regulations adopted under the authority of the recorded declaration, articles of incorporation, or bylaws and duly adopted amendments thereto.

Florida Statute 720.3015 – Short title

Creates a short title for the chapter

Added language – This chapter may be cited as the “Homeowners’ Association Act.”

Florida Statute 720.303(2)(c)(1) – Association powers and duties; meeting of board; official records; budgets; financial reporting; association funds; recalls.

Authorizes electronic transmission of notices of certain meetings of a homeowners’ association irrespective of whether authorized by the association’s bylaws.

Added/Stricken language – The association ~~bylaws or amended bylaws~~ may provide for giving notice by electronic transmission in a manner authorized by law for meetings of the board of directors, committee meetings requiring notice under this section, and annual and special meetings of the members; however, a member must consent in writing to receiving notice by electronic transmission.

Florida Statute 720.305 – Obligations of members; remedies at law or in equity; levy of fines and suspension of use rights

Clarifies the wording (changes attorney’s fees to attorney fees)

(2) Revises the language and limits the statute to the governing documents.

Added/Stricken language – A fine may not exceed ~~of up to~~ \$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) Sets limitations on the suspension the board may levy on a member.



Added/Stricken language – A suspension may not prohibit ~~impair the right of~~ an owner or tenant of a parcel from having ~~to have~~ vehicular and pedestrian ingress to and egress from the parcel, including, but not limited to, the right to park.

- (b) Limits the powers of the board and sets the role of the committee that will be hearing whether to uphold or reject the fine or suspension.

Added/Stricken language – A fine or suspension may not be imposed by the board of administration The role of the committee is limited to determining whether to confirm or reject the fine or suspension levied by the board. If the ~~board of administration~~ association imposes a fine or suspension, 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 tenant, licensee, or invitee of the parcel owner.

- (3) Revises the language.

Added/Stricken language – If a member is more than 90 days delinquent in paying any fee, fine, or other a monetary obligation due to the association, the association may suspend the rights of the areas and facilities until the fee, fine, or other monetary obligation is paid in full. A suspension may ~~does not prohibit~~ ~~impair the right of~~ an owner or tenant of a parcel from having ~~to have~~ vehicular and pedestrian ingress to and egress from the parcel

- (4) Provides the method of determining the total number of voting interests when the member has been suspended.

Added/Stricken language – An association may suspend the voting rights of a parcel or member for the nonpayment of any fee, fine, or other monetary obligation due to the association that is more than 90 days delinquent. A voting interest or consent right allocated to a parcel or member which has been suspended by the association shall be subtracted from ~~may not be counted towards~~ 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 governing documents.

- (5) Provides the applicability of the sections.

Added language – The suspension permitted by paragraph (2)(a) and subsections (3) and (4) apply to a member and, when appropriate, the member's



tenants, guests, or invitees, even if the delinquency or failure that resulted in the suspension arose from less than all of the multiple parcels owned by a member.

Florida Statute 720.306 – Meetings of members; voting and election procedures; amendments

(1)(b) Revises the requirements for the adoption of amendments to the governing documents.

Added language – The failure to timely provide notice of the recording of the amendment does not affect the validity or enforceability of the amendment.

(9)(a) Limits the subsection to the following subsection

Added language – Except as provided in paragraph (b), all members of the association are eligible to serve on the board of directors, and a member may nominate himself or herself as a candidate for the board at a meeting where the election is to be held.

(9)(b) Revises requirements for election of directors

Added/Stricken language – A person who is delinquent in the payment of any fee, fine, or other monetary obligation to the association on the day that he or she could last nominate himself or herself or be nominated for the board may not seek election to the board, and his or her name shall not be listed on the ballot. A person delinquent in the payment of any fee, fine, or other monetary obligation to the association shall be deemed to have abandoned his or her seat on the board, creating a vacancy on the board to be filled according to law. For purposes of this paragraph, the term “any fee, fine, or other monetary obligation” means any delinquency to the association with respect to any parcel for more than 90 days is not eligible for board membership. A person who has been convicted of any felony in this state . . . , may not seek election to the board and is not eligible for board membership unless such felon’s civil rights have been restored for at least 5 years The validity of any action by the board is not affected if it is later determined that a person was ineligible to seek election to the board or that a member of the board is ineligible for board membership.

Florida Statute 720.317 – Electronic voting

New statute that allows the association to conduct elections through an internet-based online voting system as long as the unit owner consents in writing and certain requirements are met.

- (1)** The association provide each member with
 - a)** A method to authenticate the member’s identity

