

07.25.2023

## “Homeowners’ Associations Bill of Rights” Law Takes Effect October 1, 2023



C. Morrell



J. Ellis

Clinton S. Morrell, Partner | [cmorrell@shumaker.com](mailto:cmorrell@shumaker.com) | 813.227.2224

Jonathan J. Ellis, Partner, Community Associations Business Sector Chair | [jellis@shumaker.com](mailto:jellis@shumaker.com) | 813.227.2335

On June 12, 2023, Governor DeSantis signed into law [House Bill 919 \(2023\)](#), the “Homeowners’ Associations Bill of Rights,” which amends Chapter 720, Florida Statutes, in several meaningful ways, including:

- Requiring notice for board of directors meetings to identify all agenda items.
- Providing that a member’s designated mailing address for notices is the property address unless the member updates in writing.
- Providing that a member’s designated email address is the one provided on the consent to receive electronic notice unless the member updates in writing.
- Requiring the association to remove member email addresses and facsimile numbers provided for electronic notice when an owner revokes consent for electronic notice.
- Requiring the association to maintain funds received from individual owners for individual purposes separately from other funds, to provide the member an accounting upon demand, and to return any unused funds within 30 days of completion of the purpose for which the funds were paid.
- Subjecting an officer, director, or manager who solicits, offers to accept, or accepts any thing or service from persons proposing or providing goods or services to the association without consideration to monetary penalties under Fla. Stat. Sec. 617.0834.
- Disqualifying from running and/or removing from the board any officer or director charged with:
  - Forgery of a ballot envelope or voting certificate in violation of s. 831.01;
  - Theft or embezzlement of association funds or property in violation of s. 812.014;
  - 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, and providing such action constitutes tampering with physical evidence under s. 918.13;
  - Obstruction of justice in violation of Chapter 843.
- During the pendency of any criminal proceedings disqualifying or removing a director or officer, such director or officer is not entitled to access the association’s official records except pursuant to court order.

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# Client Alert

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- Directors and officers appointed by the developer must disclose their relationship with the developer each calendar year and must disclose any other activity which may reasonably be construed to be a conflict of interest.
- Directors and officers must disclose any activity that may be reasonably construed to be a conflict of interest at least 14 days before voting on an issue or entering into a contract that is the subject of the conflict.
- Provides that a rebuttable presumption of a conflict of interest exists where:
  - A director or officer, or their relative, enters into a contract with the association; or
  - A director or an officer, or their relative, holds an interest in a business entity that proposes to or is already conducting business with the association.
- Requires notices of sanctions committee hearing to owner to include a description of the alleged violation, the specific action required to cure such violation, and the date and location of the hearing.
- Establishes right of owner to attend sanctions committee meeting by telephone or other electronic means.
- Requires the sanctions committee established pursuant to Fla. Stat. Sec. 720.305 to provide written notice to the owner and any occupant (if applicable) of the committee's findings related to the violation, including the approved or rejected fines and how the parcel owner may cure the violation.
- Provides that the following fraudulent voting activities are misdemeanors in the first degree:
  - Willfully and falsely swearing to or affirming an oath or affirmative, or procuring another person to do so, in connection with voting activities;
  - Perpetrating or attempting to perpetrate a fraud in connection with a vote cast or attempted to be cast;
  - Preventing a member from voting as intended by fraudulently changing or attempting to change the ballot, ballot envelope, vote, or voting certificate of the member;
  - Menacing, threatening, or using bribery or any other corruption to attempt to influence, deceive, or deter a member when voting;
  - Giving or promising anything of value to a member in exchange for their vote;
  - Using or threatening to use force, violence, or intimidation or any tactic of coercion or intimidation to affect a vote.

The statutory changes enacted with HB 919 (2023) take effect on October 1, 2023.

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