

FIELDS & BACHOVE, PLLC

4440 PGA BOULEVARD, SUITE 308
PALM BEACH GARDENS, FL 33410
PHONE: (561) 625-1200
FAX: (561) 625-1259
www.fbhoalaw.com

GARY D. FIELDS, ESQUIRE

*Retired

EVAN R. BACHOVE, ESQUIRE

evan@fbhoalaw.com

2024 REVISIONS TO FLORIDA COMMUNITY ASSOCIATION LAW

June 7, 2024

(Via e-mail)

Dear Client/Property Manager:

The 2024 legislative session is over, and as always, we are here to provide you with a summary of any new laws that may impact your Association. As you may already know, the 2024 legislative session was a very busy one, with significant changes impacting condominiums and HOAs.

Please remember that the below is only a summary of some of the significant changes in these new laws and is not an exhaustive list of all changes that may affect your community. If you have any questions about a specific statutory provision or other laws that may or may not have passed, please contact our office.

Federal Corporate Transparency Act – Effective Immediately (Changes applicable to all community associations)

- Took effect on January 1, 2024 and requires community associations to report information relating to the association and its directors and officers to the Financial Criminal Enforcement Network (FinCEN).
- Community associations in existence prior to January 1, 2024 must report to FinCEN no later than **January 1, 2025** and update FinCEN within thirty (30) days of a change.
- Information to be reported to FinCEN includes:
 - the company's full legal name;
 - any trade name or DBA;
 - a complete address;
 - the state, tribal, or foreign jurisdiction of formation; and
 - the taxpayer identification number or employer identification number for the company.
- In addition, the association must provide the name, date of birth, address, and number for a passport, state driver's license, or other governmental identification for all "Beneficial Owners" of the Reporting Company.

- The CTA defines “Beneficial Owners” as “any individual who, directly or indirectly, either exercises substantial control over such reporting company or owns or controls at least 25 percent of the ownership interests of such reporting company.”
- Since the Board of Directors exercises substantial control over the association, it is interpreted for now that the above information needs to be provided for all directors and officers of the association.
- The information can be provided electronically at the following website: <https://boiefiling.fincen.gov/>
- The CTA creates both civil and criminal penalties for the willful failure to report, update, or correct inaccurate information. Civil penalties may be imposed up to \$500 per day with no maximum amount set, and criminal penalties can be up to a \$10,000 fine and imprisonment for no more than two years, or both. These penalties can be applied to both the association and the individual or senior officer who fails to report or correct the report at the time of failure.

House Bill 293 - Effective as of May 28, 2024 (Changes applicable to HOAs):

(1) §720.3035 –

- **Hurricane Protection Specifications:** The board or any architectural, construction improvement, or other such similar committee of an association must adopt hurricane protection specifications for each structure or other improvement on a parcel governed by the association.
 - The specifications may include the color and style of hurricane protection products and any other factor deemed relevant by the board.
 - All specifications adopted by the board must comply with the applicable building code.
 - Notwithstanding any other provision in the governing documents of the association, the board or any architectural, construction improvement, or other such similar committee may not deny an application for the installation, enhancement, or replacement of hurricane protection by a parcel owner which conforms to the specifications adopted by the board or committee.
 - The board or committee may require a parcel owner to adhere to an existing unified building scheme regarding the external appearance of the structure or other improvement on the parcel.
 - The term "hurricane protection" includes, but is not limited to:
 - roof systems recognized by the Florida Building Code which meet ASCE 7-22 standards;
 - permanent fixed storm shutters;
 - roll-down track storm shutters;
 - impact-resistant windows and doors;
 - polycarbonate panels;

- reinforced garage doors;
- erosion controls;
- exterior fixed generators;
- fuel storage tanks; and
- other hurricane protection products used to preserve and protect the structures or improvements on a parcel governed by the association.

House Bill 1203 - Effective as of July 1, 2024 (Changes applicable to HOAs):

(1) §468.4334 –

- **Community Association Managers:** A community association manager or 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 annually.
 - (b) Provide to the members of the association the name and contact information for each manager or representative of the management firm assigned to the 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 association shall also post this information on the association's website or application. The manager or management firm shall update the 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 manager or management firm and the association and include such contract with the association's official records.

(2) §468.4337 –

- **Manager Continuing Education:** A community association manager who provides 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.

(3) §720.303 –

- **Official Records:** The association shall maintain all of the official records for at least 7 years, unless the governing documents of the association require a longer period of time.
 - Any director, member of the board or a community association manager who knowingly, willfully, and repeatedly violates requirements related to official records, with the intent of causing harm to the association or one or more of its members, commits a misdemeanor of the second degree. For purposes of this paragraph, the term "repeatedly" means two or more

- violations within a 12-month period.
 - 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.
 - 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.
- **Website:** 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 governing documents (declaration of covenants, articles of incorporation and bylaws) and all amendments thereto
 - b. The current rules of the association.
 - c. 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.
 - d. After bidding for the related materials, equipment, or services has closed, a list of bids received by the association within the past year.
 - e. The annual budget and any proposed budget to be considered at the annual meeting.
 - f. The financial report and any monthly income or expense statement to be considered at a meeting.
 - g. The association's current insurance policies.
 - h. The certification of each director.
 - i. 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.
 - j. Any contract or document regarding a conflict of interest or possible conflict of interest
 - k. Notice of any scheduled meeting of members and the agenda for the meeting, 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.
 - l. Notice of any board meeting, the agenda, and any other document required for such meeting, which must be posted on the website or application

no later than the date required for notice under subsection (3).

- 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.
 - 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.
 - The association shall ensure that the information and records which are not allowed to be accessible to parcel owners, are not posted on the association's website or application.
 - 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. Such information must be made available to the parcel owners through the association's website or application.
- **Subpoena for Records:** 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.
 - **Financial Reporting:** An association with at least 1,000 parcels shall prepare audited financial statements, notwithstanding the association's total annual revenues.
 - An association that takes a vote of the members to do a financial statement that is lower than required, may not do so in consecutive fiscal years.
 - **Debit Cards:** 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. 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.
 - **Providing 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, 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.

(4) §720.3033 –

- **Board Member Certification:** It is no longer an option for newly elected board members to complete a certification in writing, in lieu of attending a department approved certification course. 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.
 - The certificate of completion is valid for up to 4 years.
 - A director must complete the education specific to newly elected or appointed directors at least every 4 years.
- **Board Member Continuing Education:** In addition to the educational curriculum specific to newly elected or appointed directors:
 - A director of an association that has fewer than 2,500 parcels must complete at least 4 hours of continuing education annually.
 - A director of an association that has 2,500 parcels or more must complete at least 8 hours of continuing education annually
- **No “Kickbacks”:** An officer, a director, or a manager may not solicit, offer to accept, or accept a kickback, which 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 kickback commits a felony of the third degree.

(5) §720.3035 –

- **Architectural Standards:** 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.
 - The 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:
 - 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.
 - 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.

- 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.

(6) §720.3045 –

- **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.

(7) §720.305 –

- **Fines:** The fining hearing must be held within 90 days after issuance of the notice of fining hearing.
 - Fining hearings may be conducted by telephone or other electronic means.
 - After the fining hearing, the committee must provide the written notice of the decision within 7 days after the hearing.
 - If a violation has been cured before the hearing or in the manner specified in the written notice, a fine or suspension may not be imposed.
 - If the proposed fine 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.
 - 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.
 - 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, 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.

- **Garbage Cans/Holiday Decorations:** 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:
 - Leaving garbage receptacles at the curb or end of the driveway within 24 hours before or after the designated garbage collection day or time.
 - 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.

(8) §720.3065 –

- **Fraudulent Voting Activities:** Each of the following acts constitutes a misdemeanor of the first degree:
 - Knowingly aiding, abetting, or advising a person in the commission of a fraudulent voting activity related to association elections.
 - Agreeing, conspiring, combining, or confederating with at least one other person to commit a fraudulent voting activity related to association elections.
 - 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.

(9) §720.3075 –

- **Vehicles:** Homeowners' association documents, including declarations of covenants, articles of incorporation, or bylaws, may not preclude:
 - 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.
 - 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.
- 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.
- * "Commercial motor vehicle" means any vehicle which is not owned or operated by a governmental entity, which uses special fuel or motor fuel on the public highways, and which has a gross vehicle weight of 26,001 pounds or more, or has three or more axles regardless of weight, or is used in combination when the weight of such combination exceeds 26,001 pounds gross vehicle weight. A vehicle that occasionally transports personal property to and from a closed-course motorsport facility, as defined in s. 549.09(1)(a), is not a commercial motor vehicle if the use is not for profit and corporate sponsorship is not involved. As used in this subsection, the term "corporate sponsorship" means a payment, donation, gratuity, in-kind service, or other benefit provided to or derived by a person in relation to the underlying activity, other than the display of product or corporate names, logos, or other graphic information on the property being transported.

(10) §720.3085 –

- **Interest on Assessments:** 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.

(11) §720.317 –

- **Electronic Voting:** A member may consent, either in writing or electronically, to participate in electronic voting.

(12) §720.318 –

- **First Responder Vehicles:** An association may not prohibit a first responder, as defined in s. 112.1815(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 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.
 - The term "first responder" means a law enforcement officer as defined in s. 943.10, a firefighter as defined in s. 633.102, or an emergency medical technician or paramedic as defined in s. 401.23 employed by state or local government. A volunteer law enforcement officer, firefighter, or emergency medical technician or paramedic engaged by the state or a local government is also considered a first responder of the state or local government for purposes of this section.

House Bill 59 - Effective as of July 1, 2024 (Changes applicable to HOAs):

(1) §720.303 –

- **Rules:** Before October 1, 2024, the association shall provide a physical or digital copy of the association's rules and covenants to every member of the association.
 - An association shall provide a physical or digital copy of the association's rules and covenants to every new member of the association.
 - If an association's rules or covenants are amended, the association must provide every member of the association with an updated copy of the amended rules or covenants.
 - An association may adopt rules establishing standards for the manner of distribution and timeframe for providing copies of updated rules or covenants.
 - The requirements may be met by posting a complete copy of the association's rules and covenants, or a direct link thereto, on the homepage of the association's website if such website is accessible to the members of the association and the association sends notice to each member of the association of its intent to utilize the website for this purpose.
 - Such notice must be sent in both of the following ways:
 - By electronic mail to any member of the association who has consented to receive notices by electronic transmission; and
 - By mail to all other members of the association at the address identified as the member's mailing address in the official records of the association.

House Bill 1029 - Effective as of July 1, 2024 (Changes applicable to Condominiums):

- **Creation of the My Safe Florida Condominium Pilot Program:** This new program is intended to help eligible condominium associations by offering hurricane mitigation inspections to determine how to reduce the property's vulnerability to hurricane damage, as well as mitigation grants that can be used towards projects intended to improve the property's resistance to hurricane damage.
- In order to apply for an inspection or a grant for association property or condominium property, the association must receive approval by a majority vote of the board of administration or a majority vote of the total voting interests of the association to participate in the program.
- The votes may take place at the annual budget meeting of the association or at a unit owner meeting called for the purpose of taking such vote.

- Before a vote of the unit owners may be taken, the association must provide to the unit owners a clear disclosure of the pilot program on a form created by the Department of Financial Services. The form must be signed by the Board's President and Treasurer.
- Within 14 days of an affirmative vote to participate in the program, the association must provide written notice to all unit owners of the decision to participate in the program.
- In order to apply for a grant which improves one or more units within a condominium, the association must receive **both** of the following:
 1. Approval by a majority vote of the board of administration or a majority vote of the total voting interests of the association to participate in a mitigation inspection. AND
 2. A unanimous vote of all unit owners within the structure or building that is the subject of the mitigation grant.
- Grants for eligible associations may be used for the following improvements:
 1. Opening protection, including exterior doors, garage doors, windows, and skylights.
 2. Reinforcing roof-to-wall connections.
 3. Improving the strength of roof-deck attachments.
 4. Secondary water resistance for roof.
- An association may receive grant funds for both roof-related and opening protection-related projects, but the maximum total grant award may not exceed \$175,000 per association.
- A mitigation project must be performed by a properly licensed contractor who has secured all required local permits necessary for the project. Construction must be completed and the association must submit a request to the department for a final inspection, or request an extension of time, within 1 year after receiving grant approval.

House Bill 1021 - Effective as of July 1, 2024 (Changes applicable to Condominiums):

Note: This Bill is still awaiting the Governor's signature as of this circulation.

(1) §468.4334 –

- **Manager Obligations:** The manager or management firm shall return all community association official records within its possession to the association within 20 business days after termination of a contractual agreement 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 management services must be sent by certified mail, return receipt requested, or in the manner required under such contractual agreement.
 - A manager or management firm that fails to timely return community

association records is subject to suspension of its license, 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 or receipt of a written request from the association for return of the records, whichever occurs first.

(2) §468.4335 –

- **Conflicts of Interest:** A manager or management firm, including directors, officers, and persons with a financial interest in a 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.

(3) §718.111 –

- **No Kickbacks:** An officer, a director, or a manager may not solicit, offer to accept, or accept a kickback. Any such officer, director, or manager who knowingly so solicits, offers to accept, or accepts a kickback commits a felony of the third degree.
- **Official Records:** The e-mail addresses and facsimile numbers of members 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.
 - Included as official records are: All invoices, transaction receipts, or deposit slips that substantiate any receipt or expenditure of funds by the association.
 - Also included as official records are all building permits and a copy of all satisfactorily completed board member educational certificates.
 - 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.
 - 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 by directing to the website or the application all persons authorized to request access.
 - 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.

- A director or member of the board or association or a manager who knowingly, willfully, and repeatedly violates the records requirements commits a misdemeanor of the second degree, 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.

- **Website:** An association managing a condominium with 25 or more units which does not contain timeshare units shall post digital copies of the documents on its website or make such documents available through an application that can be downloaded on a mobile device.
 - For those associations required to maintain a website with records, it must include copies of all building permits issued for ongoing or planned construction.
- **Financial Reporting:** An association that takes a vote of the members to do a financial statement that is lower than required, may not do so in consecutive fiscal years.

(4) §718.112 –

- **Board Meetings:** In a residential condominium association of more than 10 units, the board 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.
 - The right of members 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.
 - 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.
- **Director Certifications:** 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 **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.
 - **Director Continuing Education:** 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.
 - **Structural Integrity Reserve Study:** 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.
 - 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.
 - **Director/Officer Offenses:** A director or an officer charged by information or indictment with any of the following crimes must be removed from office:
 - Forgery of a ballot envelope or voting certificate used in a condominium association election.
 - Theft or embezzlement involving the association's funds or property.
 - 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.
 - **Fraudulent Voting Activities:** See list of various activities that are deemed fraudulent and punishable as a misdemeanor of the first degree.
- (5) §718.113 –
- **Hurricane Protection:** The installation, maintenance, repair, replacement, and operation of hurricane protection is not considered a material alteration or substantial addition to the common elements.
 - A board may require the unit owner to adhere to an existing unified building scheme regarding the external appearance of the condominium.
 - 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.

- 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.

(6) §718.128 –

- **Electronic Voting:** A member may consent, either in writing or electronically, to participate in electronic voting.

(7) §718.303 –

- **Suspension of Voting Rights:** 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.

If there are any questions I can answer in this regard, please let me know. Please stay safe and well.

Sincerely,
E. Bachove (e-mail signature)
EVAN R. BACHOVE