



June 26, 2024

Dear HOA Board Member:

The new legislation that takes effect on Monday July 1, 2024 is fast approaching and we wanted to provide a final list of those Statutes that require your immediate attention as several have criminal penalties attached. **Please be advised that as Artemis Lifestyles has sent out several Legislation updates to board members, please be forewarned of these new laws affecting HOA's as Artemis can not be responsible for your Association's compliance.** Please see below for important Statute changes taking effect on 7/1/24.

Fl. St. 720.3033(1)

- Requires directors to complete and submit a certificate of satisfactorily completing an educational curriculum administered by a DBPR-approved education provider within 90 days after being elected or appointed to the board. Certificates attesting to your knowledge are no longer accessible.
- Requires a director of an association with fewer than 2,500 parcels to complete at least four (4) hours of continuing education annually.

Fl. St. 720.303(13)

- Prohibits an association and its officers, directors, employees, and agents from using a **debit card** for the payment of any association expenses.
- Provides that someone who uses a debit card issued in the association's name, or billed directly to the association, for any expense that is not a lawful association obligation commits theft as provided under Fl. St. 812.014.

Fl. St. 720.303(4)(a)

- Requires maintenance of specified official records for seven (7) years unless the association's governing documents require a longer period of time.

Fl. St. 720.303(4)(b)(2)

- The website or application must be accessible through the Internet and have a subpage or portal inaccessible to the general public and that is accessible only to owners or employees.

Fl. St. 720.303(4)(c)

- The association must adopt written rules governing the method of retaining official records and the time period they are maintained. Such rules must be posted on the website.

Fl. St. 720.303(5)(d)

- Provides someone who knowingly, willfully, and repeatedly violates the inspection and copying of official records provisions with the intent of causing harm to the association or members commits a second-degree misdemeanor. The term “repeatedly” means two or more violations within a 12-month period.

Fl. St. 720.303(5)(e)

- Provides someone who knowingly and intentionally defaces or destroys accounting records during the period in which such records are required to be retained or who knowingly or intentionally fails to create or maintain accounting records that are required to be created or retained, with the intent of causing harm to the association or one or more of its members commits a first-degree misdemeanor.

Financial Reporting

Fl. St. 720.303(7)(a)(4)

- Associations with 1,000 parcels or more must prepare audited financial statements, regardless of the association’s total annual revenue.

Requirement to Provide an Accounting

Fl. St. 720.303(14)

- Provides that a parcel owner may make a written request for a detailed accounting of any amounts owed, and the association shall provide such information within fifteen (15) business days after receipt of the written request.
- After a parcel owner makes a written request for a detailed accounting, he or she may not ask for another detailed accounting for 90 calendar days.

Kickbacks

Fl. St. 720.3033(3)

- Provides an officer, director, or manager who knowingly solicits, offers to accept, or accepts any kickback, commits a third-degree felony.

Architectural Control

Fl. St. 720.3035

- Requires an association to reasonably and equitably apply and enforce the architectural and construction improvement standards against all parcel owners.
- Prohibits an association from enforcing or adopting 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.
- Provides that if an association denies an application for the construction of a structure or other improvement on a parcel, the association must provide written notice to the owner stating with specificity the rule or covenant on which the association relied when denying the request or application. *The Artemis ARC team are aware of all of these new Statutes and will guide residents and ARC members through the new process.*

Prohibited Clauses

Fl. St. 720.3045

- Specifies vegetable gardens and clotheslines are among the list of items that an association is prohibited from preventing a homeowner from installing, displaying, or storing on their property if not visible from the frontage or adjacent parcel.
- Adds that such items may not be visible from an adjacent common area, or community golf course, in addition to the frontage and adjacent parcel.

Fl. St. 720.3075

- Provides an association may not prohibit an owner, or a guest, tenant, or invitee, from parking his or her personal vehicle, including a pickup truck, in the owner's driveway or in any other area at which the owner or the owner's tenant, guest, or invitee has a right to park as governed by state, county, and municipal regulations.
- Regardless of any official insignia or visible designation, an association cannot prohibit an owner, or a guest, tenant, or invitee, from parking his or her work vehicle, which is not a commercial motor vehicle as is defined in Fl. St. 320.01(25), in the driveway.
- Provides an association may not prohibit who is a first responder vehicle from parking their first responder vehicle on public roads or rights-of-way within the association if this is an area where the homeowner, or the tenant, guest, or invitee thereof, otherwise has a right to park.

Fines and Suspensions

Fl. St. 720.305

- Provides an association must provide at least 14 days' written notice of the owner's right to a hearing.
- Provides the fining hearing must be held within 90 days after issuance of the notice.

- Provides the fining committee may hold the hearing by telephone or other electronic means. The notice must include the access information required to attend the telephonic conference or appear through the electronic medium.
- Provides that the fining committee must provide a written notice of the committee's findings related to the violation to the owner within seven (7) days after the hearing.
- Provides the written notice of the committee's findings must provide instructions on how the owner or any occupant, licensee, or invitee of the owner needs to fulfill a suspension or the date by which a fine must be paid.
- Provides if a violation has been cured before the hearing or as specified in the seven (7) day notice, a fine or suspension may not be imposed.
- Provides the notice must include the deadline to pay the fine, which must be at least 30 days after the notice is delivered.
- Provides attorney fees and costs may not be awarded against the owner based on actions taken by the board before the date set for the fine to be paid.
- Provides an association may not issue a fine or suspension for:
 - a. Leaving garbage receptacles at the curb or end of the driveway less than 24 hours before or after the designated garbage collection day or time.
 - b. Leaving holiday decorations or lights up longer than indicated in the governing documents, unless such decorations or lights are left up for longer than one (1) week after the association provides written notice of the violation to the parcel owner.

- **Fraudulent Voting Activities**

- **Fl. St. 720.3065(2)**

- Provides the following voting activities constitute a first-degree misdemeanor:
 - Knowingly aiding, abetting, or advising a person in the commission of a fraudulent voting activity.
 - Agreeing, conspiring, combining, or confederating with at least one other person to commit a fraudulent voting activity.
 - 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.

House Bill 293: Hurricane Protections for Homeowners' Associations *Effective*

May 28, 2024

Fl. St. 720.3035(6)(a)

- Applies to all HOAs regardless of when the community was created.
- Requires an HOA to adopt hurricane protection specifications for each structure or other improvement on a parcel governed by the HOA.

- The specifications may include the color and style of hurricane protection products and any other factor deemed relevant by the board.
- All specifications adopted must comply with the applicable building code.
- Allows requiring a parcel owner to adhere to an existing unified building scheme regarding the external appearance of the structure or other improvements.

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- All specifications adopted must comply with the applicable building code.
- Allows requiring a parcel owner to adhere to an existing unified building scheme regarding the external appearance of the structure or other improvements.
- Prohibits an HOA, regardless of any provision in the governing documents, from denying an application for the installation, enhancement, or replacement of hurricane protection which conforms to the specifications adopted.

All board members are encouraged to consult with their Association Attorney for implementation strategies. You may also reach out to you Community Association Manager for non-legal guidance. Alternatively, you may also email our Director of Training, Bob Begley at:

bbegley@artemislifestyles.com