

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. PCS for CS/HB 1203 (2024)

Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

|                       |               |       |
|-----------------------|---------------|-------|
| ADOPTED               | <u>    </u>   | (Y/N) |
| ADOPTED AS AMENDED    | <u>    </u>   | (Y/N) |
| ADOPTED W/O OBJECTION | <u>    </u>   | (Y/N) |
| FAILED TO ADOPT       | <u>    </u>   | (Y/N) |
| WITHDRAWN             | <u>    </u>   | (Y/N) |
| OTHER                 | <u>      </u> |       |

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1 Committee/Subcommittee hearing bill: Commerce Committee  
 2 Representative Esposito offered the following:

**Amendment**

Remove lines 516-595 and insert:

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

720.3033 Officers and directors.—

(1)(a) Within 90 days after being elected or appointed to the board, each director ~~shall certify in writing to the secretary of the association that he or she has read the association's declaration of covenants, articles of incorporation, bylaws, and current written rules and policies; that he or she will work to uphold such documents and policies to the best of his or her ability; and that he or she will~~

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17 ~~faithfully discharge his or her fiduciary responsibility to the~~  
18 ~~association's members. Within 90 days after being elected or~~  
19 ~~appointed to the board, in lieu of such written certification,~~  
20 ~~the newly elected or appointed director must may submit a~~  
21 certificate of having satisfactorily completed the educational  
22 curriculum administered by a department-approved ~~division-~~  
23 ~~approved~~ education provider.

24 1. The newly elected or appointed director must complete  
25 the department-approved education for newly elected or appointed  
26 directors within 90 days after being elected or appointed.

27 2. The certificate of completion is valid for a maximum of  
28 4 years.

29 3. At least every 4 years, a director must complete the  
30 education specific to newly elected or appointed directors.

31 4. The department-approved educational curriculum specific  
32 to newly elected or appointed directors must include training  
33 relating to financial literacy and transparency, recordkeeping,  
34 levying of fines, and notice and meeting requirements.

35 5. In addition to the educational curriculum specific to  
36 newly elected or appointed directors:

37 a. A director of an association that has fewer than 2,500  
38 parcels must complete at least 4 hours of continuing education  
39 annually.

40 b. A director of an association that has 2,500 parcels or  
41 more must complete at least 8 hours of continuing education

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42 ~~annually within 1 year before or 90 days after the date of~~  
43 ~~election or appointment.~~

44 (b) ~~The written certification or educational certificate~~  
45 ~~is valid for the uninterrupted tenure of the director on the~~  
46 ~~board.~~ A director who does not timely file the written  
47 ~~certification or educational certificate~~ is ~~shall be~~ suspended  
48 from the board until he or she complies with the requirement.  
49 The board may temporarily fill the vacancy during the period of  
50 suspension.

51 (c) The association shall retain each director's ~~written~~  
52 ~~certification or educational certificate~~ for inspection by the  
53 members for 5 years after the director's election. However, the  
54 failure to have the written certification or educational  
55 certificate on file does not affect the validity of any board  
56 action.

57 (d) The department shall adopt rules to implement and  
58 administer the educational curriculum and continuing education  
59 requirements under this subsection.

60 (3) An officer, a director, or a manager may not solicit,  
61 offer to accept, or accept a kickback. As used in this  
62 subsection, the term "kickback" means any thing or service of  
63 value for which consideration has not been provided for an  
64 officer's, a director's, or a manager's ~~his or her~~ benefit or  
65 for the benefit of a member of his or her immediate family from  
66 any person providing or proposing to provide goods or services

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67 to the association. An officer, a director, or a manager who  
68 knowingly solicits, offers to accept, or accepts ~~a any thing or~~  
69 ~~service of value or~~ kickback commits a felony of the third  
70 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
71 775.084, and for which consideration has not been provided for  
72 ~~his or her own benefit or that of his or her immediate family~~  
73 ~~from any person providing or proposing to provide goods or~~  
74 ~~services to the association~~ is subject to monetary damages under  
75 s. 617.0834. If the board finds that an officer or a director  
76 has violated this subsection, the board shall immediately remove  
77 the officer or director from office. The vacancy shall be filled  
78 according to law until the end of the officer's or director's  
79 term of office. However, an officer, a director, or a manager  
80 may accept food to be consumed at a business meeting with a  
81 value of less than \$25 per individual or a service or good  
82 received in connection with trade fairs or education programs.

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

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

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

90 3. Destruction of or the refusal to allow inspection or  
91 copying of an official record of a homeowners' association which

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92 | is accessible to parcel owners within the time periods required  
93 | by general law, in furtherance of any crime. Such act  
94 | constitutes tampering with physical evidence as provided in s.  
95 | 918.13.

96 |       4. Obstruction of justice as provided in chapter 843.

97 |       5. Any criminal violation under this chapter.