

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Lopez, V. offered the following:

**Amendment (with directory and title amendments)**

Remove lines 512-3681 and insert:

(11) INSURANCE.—In order to protect the safety, health, and welfare of the people of the State of Florida and to ensure consistency in the provision of insurance coverage to condominiums and their unit owners, this subsection applies to every residential condominium in the state, regardless of the date of its declaration of condominium. It is the intent of the Legislature to encourage lower or stable insurance premiums for associations described in this subsection.

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13 (h) The association shall maintain insurance or fidelity  
14 bonding of all persons who control or disburse funds of the  
15 association. The insurance policy or fidelity bond must cover  
16 the maximum funds that will be in the custody of the association  
17 or its management agent at any one time. Upon receipt of a  
18 complaint, the division shall monitor an association for  
19 compliance with this paragraph and may issue fines and penalties  
20 established by the division for failure of an association to  
21 maintain the required insurance policy or fidelity bond. As used  
22 in this paragraph, the term "persons who control or disburse  
23 funds of the association" includes, but is not limited to, those  
24 individuals authorized to sign checks on behalf of the  
25 association, and the president, secretary, and treasurer of the  
26 association. The association shall bear the cost of any such  
27 bonding.

28 (12) OFFICIAL RECORDS.—

29 (a) From the inception of the association, the association  
30 shall maintain each of the following items, if applicable, which  
31 constitutes the official records of the association:

32 1. A copy of the plans, permits, warranties, and other  
33 items provided by the developer under s. 718.301(4).

34 2. A photocopy of the recorded declaration of condominium  
35 of each condominium operated by the association and each  
36 amendment to each declaration.

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37 3. A photocopy of the recorded bylaws of the association  
38 and each amendment to the bylaws.

39 4. A certified copy of the articles of incorporation of  
40 the association, or other documents creating the association,  
41 and each amendment thereto.

42 5. A copy of the current rules of the association.

43 6. A book or books that contain the minutes of all  
44 meetings of the association, the board of administration, and  
45 the unit owners.

46 7. A current roster of all unit owners and their mailing  
47 addresses, unit identifications, voting certifications, and, if  
48 known, telephone numbers. The association shall also maintain  
49 the e-mail addresses and facsimile numbers of unit owners  
50 consenting to receive notice by electronic transmission. ~~The e-~~  
51 ~~mail addresses and facsimile numbers are not accessible to unit~~  
52 ~~owners if consent to receive notice by electronic transmission~~  
53 ~~is not provided~~ In accordance with sub-subparagraph (c)5.e., the  
54 e-mail addresses and facsimile numbers are only accessible to  
55 unit owners if consent to receive notice by electronic  
56 transmission is provided, or if the unit owner has expressly  
57 indicated that such personal information can be shared with  
58 other unit owners and the unit owner has not provided the  
59 association with a request to opt out of such dissemination with  
60 other unit owners. An association must ensure that the e-mail  
61 addresses and facsimile numbers are only used for the business

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62 operation of the association and may not be sold or shared with  
63 outside third parties. If such personal information is included  
64 in documents that are released to third parties, other than unit  
65 owners, the association must redact such personal information  
66 before the document is disseminated ~~(c)3.e~~. However, the  
67 association is not liable for an inadvertent disclosure of the  
68 e-mail address or facsimile number for receiving electronic  
69 transmission of notices unless such disclosure was made with a  
70 knowing or intentional disregard of the protected nature of such  
71 information.

72 8. All current insurance policies of the association and  
73 condominiums operated by the association.

74 9. A current copy of any management agreement, lease, or  
75 other contract to which the association is a party or under  
76 which the association or the unit owners have an obligation or  
77 responsibility.

78 10. Bills of sale or transfer for all property owned by  
79 the association.

80 11. Accounting records for the association and separate  
81 accounting records for each condominium that the association  
82 operates. Any person who knowingly or intentionally defaces or  
83 destroys such records, or who knowingly or intentionally fails  
84 to create or maintain such records, with the intent of causing  
85 harm to the association or one or more of its members, is  
86 personally subject to a civil penalty pursuant to s.

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87 718.501(1)(e) ~~s. 718.501(1)(d)~~. The accounting records must  
88 include, but are not limited to:

89 a. Accurate, itemized, and detailed records of all  
90 receipts and expenditures.

91 b. All invoices, transaction receipts, or deposit slips  
92 that substantiate any receipt or expenditure of funds by the  
93 association.

94 ~~c.d.~~ A current account and a monthly, bimonthly, or  
95 quarterly statement of the account for each unit designating the  
96 name of the unit owner, the due date and amount of each  
97 assessment, the amount paid on the account, and the balance due.

98 ~~d.e.~~ All audits, reviews, accounting statements,  
99 structural integrity reserve studies, and financial reports of  
100 the association or condominium. Structural integrity reserve  
101 studies must be maintained for at least 15 years after the study  
102 is completed.

103 ~~e.d.~~ All contracts for work to be performed. Bids for work  
104 to be performed are also considered official records and must be  
105 maintained by the association for at least 1 year after receipt  
106 of the bid.

107 12. Ballots, sign-in sheets, voting proxies, and all other  
108 papers and electronic records relating to voting by unit owners,  
109 which must be maintained for 1 year from the date of the  
110 election, vote, or meeting to which the document relates,  
111 notwithstanding paragraph (b).

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112 13. All rental records if the association is acting as  
113 agent for the rental of condominium units.

114 14. A copy of the current question and answer sheet as  
115 described in s. 718.504.

116 15. A copy of the inspection reports described in ss.  
117 553.899 and 718.301(4) (p) and any other inspection report  
118 relating to a structural or life safety inspection of  
119 condominium property. Such record must be maintained by the  
120 association for 15 years after receipt of the report.

121 16. Bids for materials, equipment, or services.

122 17. All affirmative acknowledgments made pursuant to s.  
123 718.121(4) (c).

124 18. A copy of all building permits.

125 19. A copy of all satisfactorily completed board member  
126 educational certificates.

127 ~~20.18.~~ All other written records of the association not  
128 specifically included in the foregoing which are related to the  
129 operation of the association.

130 (b) The official records specified in subparagraphs (a)1.-  
131 6. must be permanently maintained from the inception of the  
132 association. Bids for work to be performed or for materials,  
133 equipment, or services must be maintained for at least 1 year  
134 after receipt of the bid. All other official records must be  
135 maintained within the state for at least 7 years, unless  
136 otherwise provided by general law. The official records must be

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137 maintained in an organized manner that facilitates inspection of  
138 the records by a unit owner. In the event that the official  
139 records are lost, destroyed, or otherwise unavailable, the  
140 obligation to maintain the official records includes a good  
141 faith obligation to obtain and recover those records as is  
142 reasonably possible. The records of the association shall be  
143 made available to a unit owner within 45 miles of the  
144 condominium property or within the county in which the  
145 condominium property is located within 10 working days after  
146 receipt of a written request by the board or its designee.  
147 However, such distance requirement does not apply to an  
148 association governing a timeshare condominium. This paragraph  
149 and paragraph (c) may be complied with by having a copy of the  
150 official records of the association available for inspection or  
151 copying on the condominium property or association property, or  
152 the association may offer the option of making the records  
153 available to a unit owner electronically via the Internet as  
154 provided under paragraph (g) or by allowing the records to be  
155 viewed in electronic format on a computer screen and printed  
156 upon request. The association is not responsible for the use or  
157 misuse of the information provided to an association member or  
158 his or her authorized representative in compliance with this  
159 chapter unless the association has an affirmative duty not to  
160 disclose such information under this chapter.

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161        ~~(c)1.a.(e)1.~~ The official records of the association are  
162 open to inspection by any association member and any person  
163 authorized by an association member as a representative of such  
164 member at all reasonable times. The right to inspect the records  
165 includes the right to make or obtain copies, at the reasonable  
166 expense, if any, of the member and of the person authorized by  
167 the association member as a representative of such member. A  
168 renter of a unit has a right to inspect and copy only the  
169 declaration of condominium, the association's bylaws and rules,  
170 and the inspection reports described in ss. 553.899 and  
171 718.301(4)(p). The association may adopt reasonable rules  
172 regarding the frequency, time, location, notice, and manner of  
173 record inspections and copying but may not require a member to  
174 demonstrate any purpose or state any reason for the inspection.  
175 The failure of an association to provide the records within 10  
176 working days after receipt of a written request creates a  
177 rebuttable presumption that the association willfully failed to  
178 comply with this paragraph. A unit owner who is denied access to  
179 official records is entitled to the actual damages or minimum  
180 damages for the association's willful failure to comply. Minimum  
181 damages are \$50 per calendar day for up to 10 days, beginning on  
182 the 11th working day after receipt of the written request. The  
183 failure to permit inspection entitles any person prevailing in  
184 an enforcement action to recover reasonable attorney fees from  
185 the person in control of the records who, directly or

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186 indirectly, knowingly denied access to the records. If the  
187 requested records are posted on an association's website, or are  
188 available for download through an application on a mobile  
189 device, the association may fulfill its obligations under this  
190 paragraph by directing to the website or the application all  
191 persons authorized to request access.

192 b. In response to a written request to inspect records,  
193 the association must simultaneously provide to the requestor a  
194 checklist of all records made available for inspection and  
195 copying. The checklist must also identify any of the  
196 association's official records that were not made available to  
197 the requestor. An association must maintain a checklist provided  
198 under this sub-subparagraph for 7 years. An association  
199 delivering a checklist pursuant to this sub-subparagraph creates  
200 a rebuttable presumption that the association has complied with  
201 this paragraph.

202 2. A director or member of the board or association or a  
203 community association manager who knowingly, willfully, and  
204 repeatedly violates subparagraph 1. commits a misdemeanor of the  
205 second degree, punishable as provided in s. 775.082 or s.  
206 775.083, and must be removed from office and a vacancy declared.  
207 For purposes of this subparagraph, the term "repeatedly" means  
208 two or more violations within a 12-month period.

209 ~~3.2.~~ Any person who knowingly or intentionally defaces or  
210 destroys accounting records that are required by this chapter to

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211 be maintained during the period for which such records are  
212 required to be maintained, or who knowingly or intentionally  
213 fails to create or maintain accounting records that are required  
214 to be created or maintained, with the intent of causing harm to  
215 the association or one or more of its members, commits a  
216 misdemeanor of the first degree, punishable as provided in s.  
217 775.082 or s. 775.083, is personally subject to a civil penalty  
218 pursuant to s. 718.501(1)(d), and must be removed from office  
219 and a vacancy declared.

220 4. A person who willfully and knowingly refuses to release  
221 or otherwise produce association records with the intent to  
222 avoid or escape detection, arrest, trial, or punishment for the  
223 commission of a crime, or to assist another person with such  
224 avoidance or escape, commits a felony of the third degree,  
225 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,  
226 and must be removed from office and a vacancy declared.

227 ~~5.3.~~ The association shall maintain an adequate number of  
228 copies of the declaration, articles of incorporation, bylaws,  
229 and rules, and all amendments to each of the foregoing, as well  
230 as the question and answer sheet as described in s. 718.504 and  
231 year-end financial information required under this section, on  
232 the condominium property to ensure their availability to unit  
233 owners and prospective purchasers, and may charge its actual  
234 costs for preparing and furnishing these documents to those  
235 requesting the documents. An association shall allow a member or

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236 his or her authorized representative to use a portable device,  
237 including a smartphone, tablet, portable scanner, or any other  
238 technology capable of scanning or taking photographs, to make an  
239 electronic copy of the official records in lieu of the  
240 association's providing the member or his or her authorized  
241 representative with a copy of such records. The association may  
242 not charge a member or his or her authorized representative for  
243 the use of a portable device. Notwithstanding this paragraph,  
244 the following records are not accessible to unit owners:

245 a. Any record protected by the lawyer-client privilege as  
246 described in s. 90.502 and any record protected by the work-  
247 product privilege, including a record prepared by an association  
248 attorney or prepared at the attorney's express direction, which  
249 reflects a mental impression, conclusion, litigation strategy,  
250 or legal theory of the attorney or the association, and which  
251 was prepared exclusively for civil or criminal litigation or for  
252 adversarial administrative proceedings, or which was prepared in  
253 anticipation of such litigation or proceedings until the  
254 conclusion of the litigation or proceedings.

255 b. Information obtained by an association in connection  
256 with the approval of the lease, sale, or other transfer of a  
257 unit.

258 c. Personnel records of association or management company  
259 employees, including, but not limited to, disciplinary, payroll,  
260 health, and insurance records. For purposes of this sub-

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261 subparagraph, the term "personnel records" does not include  
262 written employment agreements with an association employee or  
263 management company, or budgetary or financial records that  
264 indicate the compensation paid to an association employee.

265 d. Medical records of unit owners.

266 e. Social security numbers, driver license numbers, credit  
267 card numbers, e-mail addresses, telephone numbers, facsimile  
268 numbers, emergency contact information, addresses of a unit  
269 owner other than as provided to fulfill the association's notice  
270 requirements, and other personal identifying information of any  
271 person, excluding the person's name, unit designation, mailing  
272 address, property address, and any address, e-mail address, or  
273 facsimile number provided to the association to fulfill the  
274 association's notice requirements. Notwithstanding the  
275 restrictions in this sub-subparagraph, an association may print  
276 and distribute to unit owners a directory containing the name,  
277 unit address, and all telephone numbers of each unit owner.  
278 However, an owner may exclude his or her telephone numbers from  
279 the directory by so requesting in writing to the association. An  
280 owner may consent in writing to the disclosure of other contact  
281 information described in this sub-subparagraph. The association  
282 is not liable for the inadvertent disclosure of information that  
283 is protected under this sub-subparagraph if the information is  
284 included in an official record of the association and is

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285 voluntarily provided by an owner and not requested by the  
286 association.

287 f. Electronic security measures that are used by the  
288 association to safeguard data, including passwords.

289 g. The software and operating system used by the  
290 association which allow the manipulation of data, even if the  
291 owner owns a copy of the same software used by the association.  
292 The data is part of the official records of the association.

293 h. All affirmative acknowledgments made pursuant to s.  
294 718.121(4)(c).

295 (d) The association shall prepare a question and answer  
296 sheet as described in s. 718.504, and shall update it annually.

297 (e)1. The association or its authorized agent is not  
298 required to provide a prospective purchaser or lienholder with  
299 information about the condominium or the association other than  
300 information or documents required by this chapter to be made  
301 available or disclosed. The association or its authorized agent  
302 may charge a reasonable fee to the prospective purchaser,  
303 lienholder, or the current unit owner for providing good faith  
304 responses to requests for information by or on behalf of a  
305 prospective purchaser or lienholder, other than that required by  
306 law, if the fee does not exceed \$150 plus the reasonable cost of  
307 photocopying and any attorney's fees incurred by the association  
308 in connection with the response.

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309           2. An association and its authorized agent are not liable  
310 for providing such information in good faith pursuant to a  
311 written request if the person providing the information includes  
312 a written statement in substantially the following form: "The  
313 responses herein are made in good faith and to the best of my  
314 ability as to their accuracy."

315           (f) An outgoing board or committee member must relinquish  
316 all official records and property of the association in his or  
317 her possession or under his or her control to the incoming board  
318 within 5 days after the election. The division shall impose a  
319 civil penalty as set forth in s. 718.501(1)(d)6. against an  
320 outgoing board or committee member who willfully and knowingly  
321 fails to relinquish such records and property.

322           (g)1. By January 1, 2019, an association managing a  
323 condominium with 150 or more units which does not contain  
324 timeshare units shall post digital copies of the documents  
325 specified in subparagraph 2. on its website or make such  
326 documents available through an application that can be  
327 downloaded on a mobile device.

328           a. The association's website or application must be:

329           (I) An independent website, application, or web portal  
330 wholly owned and operated by the association; or

331           (II) A website, application, or web portal operated by a  
332 third-party provider with whom the association owns, leases,  
333 rents, or otherwise obtains the right to operate a web page,

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334 subpage, web portal, collection of subpages or web portals, or  
335 an application which is dedicated to the association's  
336 activities and on which required notices, records, and documents  
337 may be posted or made available by the association.

338 b. The association's website or application must be  
339 accessible through the Internet and must contain a subpage, web  
340 portal, or other protected electronic location that is  
341 inaccessible to the general public and accessible only to unit  
342 owners and employees of the association.

343 c. Upon a unit owner's written request, the association  
344 must provide the unit owner with a username and password and  
345 access to the protected sections of the association's website or  
346 application which contain any notices, records, or documents  
347 that must be electronically provided.

348 2. A current copy of the following documents must be  
349 posted in digital format on the association's website or  
350 application:

351 a. The recorded declaration of condominium of each  
352 condominium operated by the association and each amendment to  
353 each declaration.

354 b. The recorded bylaws of the association and each  
355 amendment to the bylaws.

356 c. The articles of incorporation of the association, or  
357 other documents creating the association, and each amendment to  
358 the articles of incorporation or other documents. The copy

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359 | posted pursuant to this sub-subparagraph must be a copy of the  
360 | articles of incorporation filed with the Department of State.

361 |       d. The rules of the association.

362 |       e. A list of all executory contracts or documents to which  
363 | the association is a party or under which the association or the  
364 | unit owners have an obligation or responsibility and, after  
365 | bidding for the related materials, equipment, or services has  
366 | closed, a list of bids received by the association within the  
367 | past year. Summaries of bids for materials, equipment, or  
368 | services which exceed \$500 must be maintained on the website or  
369 | application for 1 year. In lieu of summaries, complete copies of  
370 | the bids may be posted.

371 |       f. The annual budget required by s. 718.112(2) (f) and any  
372 | proposed budget to be considered at the annual meeting.

373 |       g. The financial report required by subsection (13) and  
374 | any monthly income or expense statement to be considered at a  
375 | meeting.

376 |       h. The certification of each director required by s.  
377 | 718.112(2) (d)4.b.

378 |       i. All contracts or transactions between the association  
379 | and any director, officer, corporation, firm, or association  
380 | that is not an affiliated condominium association or any other  
381 | entity in which an association director is also a director or  
382 | officer and financially interested.

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383 j. Any contract or document regarding a conflict of  
384 interest or possible conflict of interest as provided in ss.  
385 468.4335, 468.436(2)(b)6., and 718.3027(3).

386 k. The notice of any unit owner meeting and the agenda for  
387 the meeting, as required by s. 718.112(2)(d)3., no later than 14  
388 days before the meeting. The notice must be posted in plain view  
389 on the front page of the website or application, or on a  
390 separate subpage of the website or application labeled "Notices"  
391 which is conspicuously visible and linked from the front page.  
392 The association must also post on its website or application any  
393 document to be considered and voted on by the owners during the  
394 meeting or any document listed on the agenda at least 7 days  
395 before the meeting at which the document or the information  
396 within the document will be considered.

397 l. Notice of any board meeting, the agenda, and any other  
398 document required for the meeting as required by s.  
399 718.112(2)(c), which must be posted no later than the date  
400 required for notice under s. 718.112(2)(c).

401 m. The inspection reports described in ss. 553.899 and  
402 718.301(4)(p) and any other inspection report relating to a  
403 structural or life safety inspection of condominium property.

404 n. The association's most recent structural integrity  
405 reserve study, if applicable.

406 o. Copies of all building permits issued for ongoing or  
407 planned construction.

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408 3. The association shall ensure that the information and  
409 records described in paragraph (c), which are not allowed to be  
410 accessible to unit owners, are not posted on the association's  
411 website or application. If protected information or information  
412 restricted from being accessible to unit owners is included in  
413 documents that are required to be posted on the association's  
414 website or application, the association shall ensure the  
415 information is redacted before posting the documents.

416 Notwithstanding the foregoing, the association or its agent is  
417 not liable for disclosing information that is protected or  
418 restricted under this paragraph unless such disclosure was made  
419 with a knowing or intentional disregard of the protected or  
420 restricted nature of such information.

421 4. The failure of the association to post information  
422 required under subparagraph 2. is not in and of itself  
423 sufficient to invalidate any action or decision of the  
424 association's board or its committees.

425 (13) FINANCIAL REPORTING.—Within 90 days after the end of  
426 the fiscal year, or annually on a date provided in the bylaws,  
427 the association shall prepare and complete, or contract for the  
428 preparation and completion of, a financial report for the  
429 preceding fiscal year. Within 21 days after the final financial  
430 report is completed by the association or received from the  
431 third party, but not later than 120 days after the end of the  
432 fiscal year or other date as provided in the bylaws, the

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433 association shall deliver mail to each unit owner by United  
434 States mail or personal delivery at the mailing address,  
435 property address, e-mail address, or facsimile number provided  
436 to fulfill the association's notice requirements at the address  
437 last furnished to the association by the unit owner, or hand  
438 deliver to each unit owner, a copy of the most recent financial  
439 report, and ~~or~~ a notice that a copy of the most recent financial  
440 report will be mailed or hand delivered to the unit owner,  
441 without charge, within 5 business days after receipt of a  
442 written request from the unit owner. The division shall adopt  
443 rules setting forth uniform accounting principles and standards  
444 to be used by all associations and addressing the financial  
445 reporting requirements for multicondominium associations. The  
446 rules must include, but not be limited to, standards for  
447 presenting a summary of association reserves, including a good  
448 faith estimate disclosing the annual amount of reserve funds  
449 that would be necessary for the association to fully fund  
450 reserves for each reserve item based on the straight-line  
451 accounting method. This disclosure is not applicable to reserves  
452 funded via the pooling method. In adopting such rules, the  
453 division shall consider the number of members and annual  
454 revenues of an association. Financial reports shall be prepared  
455 as follows:

456 (a) An association that meets the criteria of this  
457 paragraph shall prepare a complete set of financial statements

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458 | in accordance with generally accepted accounting principles. The  
459 | financial statements must be based upon the association's total  
460 | annual revenues, as follows:

461 |       1. An association with total annual revenues of \$150,000  
462 | or more, but less than \$300,000, shall prepare compiled  
463 | financial statements.

464 |       2. An association with total annual revenues of at least  
465 | \$300,000, but less than \$500,000, shall prepare reviewed  
466 | financial statements.

467 |       3. An association with total annual revenues of \$500,000  
468 | or more shall prepare audited financial statements.

469 |       (b)1. An association with total annual revenues of less  
470 | than \$150,000 shall prepare a report of cash receipts and  
471 | expenditures.

472 |       2. A report of cash receipts and disbursements must  
473 | disclose the amount of receipts by accounts and receipt  
474 | classifications and the amount of expenses by accounts and  
475 | expense classifications, including, but not limited to, the  
476 | following, as applicable: costs for security, professional and  
477 | management fees and expenses, taxes, costs for recreation  
478 | facilities, expenses for refuse collection and utility services,  
479 | expenses for lawn care, costs for building maintenance and  
480 | repair, insurance costs, administration and salary expenses, and  
481 | reserves accumulated and expended for capital expenditures,

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482 deferred maintenance, and any other category for which the  
483 association maintains reserves.

484 (c) An association may prepare, without a meeting of or  
485 approval by the unit owners:

486 1. Compiled, reviewed, or audited financial statements, if  
487 the association is required to prepare a report of cash receipts  
488 and expenditures;

489 2. Reviewed or audited financial statements, if the  
490 association is required to prepare compiled financial  
491 statements; or

492 3. Audited financial statements if the association is  
493 required to prepare reviewed financial statements.

494 (d) If approved by a majority of the voting interests  
495 present at a properly called meeting of the association, an  
496 association may prepare:

497 1. A report of cash receipts and expenditures in lieu of a  
498 compiled, reviewed, or audited financial statement;

499 2. A report of cash receipts and expenditures or a  
500 compiled financial statement in lieu of a reviewed or audited  
501 financial statement; or

502 3. A report of cash receipts and expenditures, a compiled  
503 financial statement, or a reviewed financial statement in lieu  
504 of an audited financial statement.

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506 Such meeting and approval must occur before the end of the  
507 fiscal year and is effective only for the fiscal year in which  
508 the vote is taken. An association may not prepare a financial  
509 report pursuant to this paragraph for consecutive fiscal years,  
510 ~~except that the approval may also be effective for the following~~  
511 ~~fiscal year.~~ If the developer has not turned over control of the  
512 association, all unit owners, including the developer, may vote  
513 on issues related to the preparation of the association's  
514 financial reports, from the date of incorporation of the  
515 association through the end of the second fiscal year after the  
516 fiscal year in which the certificate of a surveyor and mapper is  
517 recorded pursuant to s. 718.104(4)(e) or an instrument that  
518 transfers title to a unit in the condominium which is not  
519 accompanied by a recorded assignment of developer rights in  
520 favor of the grantee of such unit is recorded, whichever occurs  
521 first. Thereafter, all unit owners except the developer may vote  
522 on such issues until control is turned over to the association  
523 by the developer. Any audit or review prepared under this  
524 section shall be paid for by the developer if done before  
525 turnover of control of the association.

526 (e) A unit owner may provide written notice to the  
527 division of the association's failure to mail or hand deliver  
528 him or her a copy of the most recent financial report within 5  
529 business days after he or she submitted a written request to the  
530 association for a copy of such report. If the division

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531 determines that the association failed to mail or hand deliver a  
532 copy of the most recent financial report to the unit owner, the  
533 division shall provide written notice to the association that  
534 the association must mail or hand deliver a copy of the most  
535 recent financial report to the unit owner and the division  
536 within 5 business days after it receives such notice from the  
537 division. An association that fails to comply with the  
538 division's request may not waive the financial reporting  
539 requirement provided in paragraph (d) for the fiscal year in  
540 which the unit owner's request was made and the following fiscal  
541 year. A financial report received by the division pursuant to  
542 this paragraph shall be maintained, and the division shall  
543 provide a copy of such report to an association member upon his  
544 or her request.

545 (15) DEBIT CARDS.—

546 (a) An association and its officers, directors, employees,  
547 and agents may not use a debit card issued in the name of the  
548 association, or billed directly to the association, for the  
549 payment of any association expense.

550 (b) A person who uses ~~Use of~~ a debit card issued in the  
551 name of the association, or billed directly to the association,  
552 for any expense that is not a lawful obligation of the  
553 association commits theft under s. 812.014 and must be removed  
554 from office and a vacancy declared. For the purposes of this  
555 paragraph, the term "lawful obligation of the association" means

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556 an obligation that has been properly preapproved by the board  
557 and is reflected in the meeting minutes or the written budget  
558 ~~may be prosecuted as credit card fraud pursuant to s. 817.61.~~

559 Section 8. Effective January 1, 2026, paragraph (g) of  
560 subsection (12) of section 718.111, Florida Statutes, as amended  
561 by this act, is amended to read:

562 718.111 The association.—

563 (12) OFFICIAL RECORDS.—

564 (g)1. ~~By January 1, 2019,~~ An association managing a  
565 condominium with 25 ~~150~~ or more units which does not contain  
566 timeshare units shall post digital copies of the documents  
567 specified in subparagraph 2. on its website or make such  
568 documents available through an application that can be  
569 downloaded on a mobile device.

570 a. The association's website or application must be:

571 (I) An independent website, application, or web portal  
572 wholly owned and operated by the association; or

573 (II) A website, application, or web portal operated by a  
574 third-party provider with whom the association owns, leases,  
575 rents, or otherwise obtains the right to operate a web page,  
576 subpage, web portal, collection of subpages or web portals, or  
577 an application which is dedicated to the association's  
578 activities and on which required notices, records, and documents  
579 may be posted or made available by the association.

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580           b. The association's website or application must be  
581 accessible through the Internet and must contain a subpage, web  
582 portal, or other protected electronic location that is  
583 inaccessible to the general public and accessible only to unit  
584 owners and employees of the association.

585           c. Upon a unit owner's written request, the association  
586 must provide the unit owner with a username and password and  
587 access to the protected sections of the association's website or  
588 application which contain any notices, records, or documents  
589 that must be electronically provided.

590           2. A current copy of the following documents must be  
591 posted in digital format on the association's website or  
592 application:

593           a. The recorded declaration of condominium of each  
594 condominium operated by the association and each amendment to  
595 each declaration.

596           b. The recorded bylaws of the association and each  
597 amendment to the bylaws.

598           c. The articles of incorporation of the association, or  
599 other documents creating the association, and each amendment to  
600 the articles of incorporation or other documents. The copy  
601 posted pursuant to this sub-subparagraph must be a copy of the  
602 articles of incorporation filed with the Department of State.

603           d. The rules of the association.

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604 e. A list of all executory contracts or documents to which  
605 the association is a party or under which the association or the  
606 unit owners have an obligation or responsibility and, after  
607 bidding for the related materials, equipment, or services has  
608 closed, a list of bids received by the association within the  
609 past year. Summaries of bids for materials, equipment, or  
610 services which exceed \$500 must be maintained on the website or  
611 application for 1 year. In lieu of summaries, complete copies of  
612 the bids may be posted.

613 f. The annual budget required by s. 718.112(2)(f) and any  
614 proposed budget to be considered at the annual meeting.

615 g. The financial report required by subsection (13) and  
616 any monthly income or expense statement to be considered at a  
617 meeting.

618 h. The certification of each director required by s.  
619 718.112(2)(d)4.b.

620 i. All contracts or transactions between the association  
621 and any director, officer, corporation, firm, or association  
622 that is not an affiliated condominium association or any other  
623 entity in which an association director is also a director or  
624 officer and financially interested.

625 j. Any contract or document regarding a conflict of  
626 interest or possible conflict of interest as provided in ss.  
627 468.4335, 468.436(2)(b)6., and 718.3027(3).

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628 k. The notice of any unit owner meeting and the agenda for  
629 the meeting, as required by s. 718.112(2)(d)3., no later than 14  
630 days before the meeting. The notice must be posted in plain view  
631 on the front page of the website or application, or on a  
632 separate subpage of the website or application labeled "Notices"  
633 which is conspicuously visible and linked from the front page.  
634 The association must also post on its website or application any  
635 document to be considered and voted on by the owners during the  
636 meeting or any document listed on the agenda at least 7 days  
637 before the meeting at which the document or the information  
638 within the document will be considered.

639 1. Notice of any board meeting, the agenda, and any other  
640 document required for the meeting as required by s.  
641 718.112(2)(c), which must be posted no later than the date  
642 required for notice under s. 718.112(2)(c).

643 m. The inspection reports described in ss. 553.899 and  
644 718.301(4)(p) and any other inspection report relating to a  
645 structural or life safety inspection of condominium property.

646 n. The association's most recent structural integrity  
647 reserve study, if applicable.

648 o. Copies of all building permits issued for ongoing or  
649 planned construction.

650 3. The association shall ensure that the information and  
651 records described in paragraph (c), which are not allowed to be  
652 accessible to unit owners, are not posted on the association's

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653 website or application. If protected information or information  
654 restricted from being accessible to unit owners is included in  
655 documents that are required to be posted on the association's  
656 website or application, the association shall ensure the  
657 information is redacted before posting the documents.  
658 Notwithstanding the foregoing, the association or its agent is  
659 not liable for disclosing information that is protected or  
660 restricted under this paragraph unless such disclosure was made  
661 with a knowing or intentional disregard of the protected or  
662 restricted nature of such information.

663 4. The failure of the association to post information  
664 required under subparagraph 2. is not in and of itself  
665 sufficient to invalidate any action or decision of the  
666 association's board or its committees.

667 Section 9. Paragraphs (c), (d), (f), (g), and (q) of  
668 subsection (2) of section 718.112, Florida Statutes, are  
669 amended, and paragraph (r) is added to that subsection, to read:

670 718.112 Bylaws.—

671 (2) REQUIRED PROVISIONS.—The bylaws shall provide for the  
672 following and, if they do not do so, shall be deemed to include  
673 the following:

674 (c) *Board of administration meetings.*—In a residential  
675 condominium association of more than 10 units, the board of  
676 administration shall meet at least once each quarter. At least  
677 four times each year, the meeting agenda must include an

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678 opportunity for members to ask questions of the board. Meetings  
679 of the board of administration at which a quorum of the members  
680 is present are open to all unit owners. Members of the board of  
681 administration may use e-mail as a means of communication but  
682 may not cast a vote on an association matter via e-mail. A unit  
683 owner may tape record or videotape the meetings. The right to  
684 attend such meetings includes the right to speak at such  
685 meetings with reference to all designated agenda items and the  
686 right to ask questions relating to reports on the status of  
687 construction or repair projects, the status of revenues and  
688 expenditures during the current fiscal year, and other issues  
689 affecting the condominium. The division shall adopt reasonable  
690 rules governing the tape recording and videotaping of the  
691 meeting. The association may adopt written reasonable rules  
692 governing the frequency, duration, and manner of unit owner  
693 statements.

694 1. Adequate notice of all board meetings, which must  
695 specifically identify all agenda items, must be posted  
696 conspicuously on the condominium property at least 48 continuous  
697 hours before the meeting except in an emergency. If 20 percent  
698 of the voting interests petition the board to address an item of  
699 business, the board, within 60 days after receipt of the  
700 petition, shall place the item on the agenda at its next regular  
701 board meeting or at a special meeting called for that purpose.  
702 An item not included on the notice may be taken up on an

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703 emergency basis by a vote of at least a majority plus one of the  
704 board members. Such emergency action must be noticed and  
705 ratified at the next regular board meeting. Written notice of a  
706 meeting at which a nonemergency special assessment or an  
707 amendment to rules regarding unit use will be considered must be  
708 mailed, delivered, or electronically transmitted to the unit  
709 owners and posted conspicuously on the condominium property at  
710 least 14 days before the meeting. Evidence of compliance with  
711 this 14-day notice requirement must be made by an affidavit  
712 executed by the person providing the notice and filed with the  
713 official records of the association. ~~Notice of any meeting in  
714 which regular or special assessments against unit owners are to  
715 be considered must specifically state that assessments will be  
716 considered and provide the estimated cost and description of the  
717 purposes for such assessments.~~

718 2. Upon notice to the unit owners, the board shall, by  
719 duly adopted rule, designate a specific location on the  
720 condominium property at which ~~where~~ all notices of board  
721 meetings must be posted. If there is no condominium property at  
722 which ~~where~~ notices can be posted, notices shall be mailed,  
723 delivered, or electronically transmitted to each unit owner at  
724 least 14 days before the meeting. In lieu of or in addition to  
725 the physical posting of the notice on the condominium property,  
726 the association may, by reasonable rule, adopt a procedure for  
727 conspicuously posting and repeatedly broadcasting the notice and

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728 the agenda on a closed-circuit cable television system serving  
729 the condominium association. However, if broadcast notice is  
730 used in lieu of a notice physically posted on condominium  
731 property, the notice and agenda must be broadcast at least four  
732 times every broadcast hour of each day that a posted notice is  
733 otherwise required under this section. If broadcast notice is  
734 provided, the notice and agenda must be broadcast in a manner  
735 and for a sufficient continuous length of time so as to allow an  
736 average reader to observe the notice and read and comprehend the  
737 entire content of the notice and the agenda. In addition to any  
738 of the authorized means of providing notice of a meeting of the  
739 board, the association may, by rule, adopt a procedure for  
740 conspicuously posting the meeting notice and the agenda on a  
741 website serving the condominium association for at least the  
742 minimum period of time for which a notice of a meeting is also  
743 required to be physically posted on the condominium property.  
744 Any rule adopted shall, in addition to other matters, include a  
745 requirement that the association send an electronic notice in  
746 the same manner as a notice for a meeting of the members, which  
747 must include a hyperlink to the website at which ~~where~~ the  
748 notice is posted, to unit owners whose e-mail addresses are  
749 included in the association's official records.

750 3. Notice of any meeting in which regular or special  
751 assessments against unit owners are to be considered must  
752 specifically state that assessments will be considered and

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753 provide the estimated cost and description of the purposes for  
754 such assessments. If an agenda item relates to the approval of a  
755 contract for goods or services, a copy of the contract must be  
756 provided with the notice and be made available for inspection  
757 and copying upon a written request from a unit owner or made  
758 available on the association's website or through an application  
759 that can be downloaded on a mobile device.

760 ~~4.2.~~ Meetings of a committee to take final action on  
761 behalf of the board or make recommendations to the board  
762 regarding the association budget are subject to this paragraph.  
763 Meetings of a committee that does not take final action on  
764 behalf of the board or make recommendations to the board  
765 regarding the association budget are subject to this section,  
766 unless those meetings are exempted from this section by the  
767 bylaws of the association.

768 ~~5.3.~~ Notwithstanding any other law, the requirement that  
769 board meetings and committee meetings be open to the unit owners  
770 does not apply to:

771 a. Meetings between the board or a committee and the  
772 association's attorney, with respect to proposed or pending  
773 litigation, if the meeting is held for the purpose of seeking or  
774 rendering legal advice; or

775 b. Board meetings held for the purpose of discussing  
776 personnel matters.

777 (d) *Unit owner meetings.*—

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778 1. An annual meeting of the unit owners must be held at  
779 the location provided in the association bylaws and, if the  
780 bylaws are silent as to the location, the meeting must be held  
781 within 45 miles of the condominium property. However, such  
782 distance requirement does not apply to an association governing  
783 a timeshare condominium.

784 2. Unless the bylaws provide otherwise, a vacancy on the  
785 board caused by the expiration of a director's term must be  
786 filled by electing a new board member, and the election must be  
787 by secret ballot. An election is not required if the number of  
788 vacancies equals or exceeds the number of candidates. For  
789 purposes of this paragraph, the term "candidate" means an  
790 eligible person who has timely submitted the written notice, as  
791 described in sub-subparagraph 4.a., of his or her intention to  
792 become a candidate. Except in a timeshare or nonresidential  
793 condominium, or if the staggered term of a board member does not  
794 expire until a later annual meeting, or if all members' terms  
795 would otherwise expire but there are no candidates, the terms of  
796 all board members expire at the annual meeting, and such members  
797 may stand for reelection unless prohibited by the bylaws. Board  
798 members may serve terms longer than 1 year if permitted by the  
799 bylaws or articles of incorporation. A board member may not  
800 serve more than 8 consecutive years unless approved by an  
801 affirmative vote of unit owners representing two-thirds of all  
802 votes cast in the election or unless there are not enough

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803 eligible candidates to fill the vacancies on the board at the  
804 time of the vacancy. Only board service that occurs on or after  
805 July 1, 2018, may be used when calculating a board member's term  
806 limit. If the number of board members whose terms expire at the  
807 annual meeting equals or exceeds the number of candidates, the  
808 candidates become members of the board effective upon the  
809 adjournment of the annual meeting. Unless the bylaws provide  
810 otherwise, any remaining vacancies shall be filled by the  
811 affirmative vote of the majority of the directors making up the  
812 newly constituted board even if the directors constitute less  
813 than a quorum or there is only one director. In a residential  
814 condominium association of more than 10 units or in a  
815 residential condominium association that does not include  
816 timeshare units or timeshare interests, co-owners of a unit may  
817 not serve as members of the board of directors at the same time  
818 unless they own more than one unit or unless there are not  
819 enough eligible candidates to fill the vacancies on the board at  
820 the time of the vacancy. A unit owner in a residential  
821 condominium desiring to be a candidate for board membership must  
822 comply with sub-subparagraph 4.a. and must be eligible to be a  
823 candidate to serve on the board of directors at the time of the  
824 deadline for submitting a notice of intent to run in order to  
825 have his or her name listed as a proper candidate on the ballot  
826 or to serve on the board. A person who has been suspended or  
827 removed by the division under this chapter, or who is delinquent

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828 in the payment of any assessment due to the association, is not  
829 eligible to be a candidate for board membership and may not be  
830 listed on the ballot. For purposes of this paragraph, a person  
831 is delinquent if a payment is not made by the due date as  
832 specifically identified in the declaration of condominium,  
833 bylaws, or articles of incorporation. If a due date is not  
834 specifically identified in the declaration of condominium,  
835 bylaws, or articles of incorporation, the due date is the first  
836 day of the assessment period. A person who has been convicted of  
837 any felony in this state or in a United States District or  
838 Territorial Court, or who has been convicted of any offense in  
839 another jurisdiction which would be considered a felony if  
840 committed in this state, is not eligible for board membership  
841 unless such felon's civil rights have been restored for at least  
842 5 years as of the date such person seeks election to the board.  
843 The validity of an action by the board is not affected if it is  
844 later determined that a board member is ineligible for board  
845 membership due to having been convicted of a felony. This  
846 subparagraph does not limit the term of a member of the board of  
847 a nonresidential or timeshare condominium.

848 3. The bylaws must provide the method of calling meetings  
849 of unit owners, including annual meetings. Written notice of an  
850 annual meeting must include an agenda; be mailed, hand  
851 delivered, or electronically transmitted to each unit owner at  
852 least 14 days before the annual meeting; and be posted in a

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853 conspicuous place on the condominium property or association  
854 property at least 14 continuous days before the annual meeting.  
855 Written notice of a meeting other than an annual meeting must  
856 include an agenda; be mailed, hand delivered, or electronically  
857 transmitted to each unit owner; and be posted in a conspicuous  
858 place on the condominium property or association property within  
859 the timeframe specified in the bylaws. If the bylaws do not  
860 specify a timeframe for written notice of a meeting other than  
861 an annual meeting, notice must be provided at least 14  
862 continuous days before the meeting. Upon notice to the unit  
863 owners, the board shall, by duly adopted rule, designate a  
864 specific location on the condominium property or association  
865 property at which ~~where~~ all notices of unit owner meetings must  
866 be posted. This requirement does not apply if there is no  
867 condominium property for posting notices. In lieu of, or in  
868 addition to, the physical posting of meeting notices, the  
869 association may, by reasonable rule, adopt a procedure for  
870 conspicuously posting and repeatedly broadcasting the notice and  
871 the agenda on a closed-circuit cable television system serving  
872 the condominium association. However, if broadcast notice is  
873 used in lieu of a notice posted physically on the condominium  
874 property, the notice and agenda must be broadcast at least four  
875 times every broadcast hour of each day that a posted notice is  
876 otherwise required under this section. If broadcast notice is  
877 provided, the notice and agenda must be broadcast in a manner

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878 and for a sufficient continuous length of time so as to allow an  
879 average reader to observe the notice and read and comprehend the  
880 entire content of the notice and the agenda. In addition to any  
881 of the authorized means of providing notice of a meeting of the  
882 board, the association may, by rule, adopt a procedure for  
883 conspicuously posting the meeting notice and the agenda on a  
884 website serving the condominium association for at least the  
885 minimum period of time for which a notice of a meeting is also  
886 required to be physically posted on the condominium property.  
887 Any rule adopted shall, in addition to other matters, include a  
888 requirement that the association send an electronic notice in  
889 the same manner as a notice for a meeting of the members, which  
890 must include a hyperlink to the website at which ~~where~~ the  
891 notice is posted, to unit owners whose e-mail addresses are  
892 included in the association's official records. Unless a unit  
893 owner waives in writing the right to receive notice of the  
894 annual meeting, such notice must be hand delivered, mailed, or  
895 electronically transmitted to each unit owner. Notice for  
896 meetings and notice for all other purposes must be mailed to  
897 each unit owner at the address last furnished to the association  
898 by the unit owner, or hand delivered to each unit owner.  
899 However, if a unit is owned by more than one person, the  
900 association must provide notice to the address that the  
901 developer identifies for that purpose and thereafter as one or  
902 more of the owners of the unit advise the association in

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903 writing, or if no address is given or the owners of the unit do  
904 not agree, to the address provided on the deed of record. An  
905 officer of the association, or the manager or other person  
906 providing notice of the association meeting, must provide an  
907 affidavit or United States Postal Service certificate of  
908 mailing, to be included in the official records of the  
909 association affirming that the notice was mailed or hand  
910 delivered in accordance with this provision.

911 4. The members of the board of a residential condominium  
912 shall be elected by written ballot or voting machine. Proxies  
913 may not be used in electing the board in general elections or  
914 elections to fill vacancies caused by recall, resignation, or  
915 otherwise, unless otherwise provided in this chapter. This  
916 subparagraph does not apply to an association governing a  
917 timeshare condominium.

918 a. At least 60 days before a scheduled election, the  
919 association shall mail, deliver, or electronically transmit, by  
920 separate association mailing or included in another association  
921 mailing, delivery, or transmission, including regularly  
922 published newsletters, to each unit owner entitled to a vote, a  
923 first notice of the date of the election. A unit owner or other  
924 eligible person desiring to be a candidate for the board must  
925 give written notice of his or her intent to be a candidate to  
926 the association at least 40 days before a scheduled election.  
927 Together with the written notice and agenda as set forth in

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928 | subparagraph 3., the association shall mail, deliver, or  
929 | electronically transmit a second notice of the election to all  
930 | unit owners entitled to vote, together with a ballot that lists  
931 | all candidates not less than 14 days or more than 34 days before  
932 | the date of the election. Upon request of a candidate, an  
933 | information sheet, no larger than 8 1/2 inches by 11 inches,  
934 | which must be furnished by the candidate at least 35 days before  
935 | the election, must be included with the mailing, delivery, or  
936 | transmission of the ballot, with the costs of mailing, delivery,  
937 | or electronic transmission and copying to be borne by the  
938 | association. The association is not liable for the contents of  
939 | the information sheets prepared by the candidates. In order to  
940 | reduce costs, the association may print or duplicate the  
941 | information sheets on both sides of the paper. The division  
942 | shall by rule establish voting procedures consistent with this  
943 | sub-subparagraph, including rules establishing procedures for  
944 | giving notice by electronic transmission and rules providing for  
945 | the secrecy of ballots. Elections shall be decided by a  
946 | plurality of ballots cast. There is no quorum requirement;  
947 | however, at least 20 percent of the eligible voters must cast a  
948 | ballot in order to have a valid election. A unit owner may not  
949 | authorize any other person to vote his or her ballot, and any  
950 | ballots improperly cast are invalid. A unit owner who violates  
951 | this provision may be fined by the association in accordance  
952 | with s. 718.303. A unit owner who needs assistance in casting

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953 the ballot for the reasons stated in s. 101.051 may obtain such  
954 assistance. The regular election must occur on the date of the  
955 annual meeting. Notwithstanding this sub-subparagraph, an  
956 election is not required unless more candidates file notices of  
957 intent to run or are nominated than board vacancies exist.

958 b. A director of a ~~Within 90 days after being elected or~~  
959 ~~appointed to the board of an association of a residential~~  
960 ~~condominium, each newly elected or appointed director shall:~~

961 (I) Certify in writing to the secretary of the association  
962 that he or she has read the association's declaration of  
963 condominium, articles of incorporation, bylaws, and current  
964 written policies; that he or she will work to uphold such  
965 documents and policies to the best of his or her ability; and  
966 that he or she will faithfully discharge his or her fiduciary  
967 responsibility to the association's members.

968 (II) Submit to the secretary of the association ~~In lieu of~~  
969 ~~this written certification, within 90 days after being elected~~  
970 ~~or appointed to the board, the newly elected or appointed~~  
971 ~~director may submit~~ a certificate of having satisfactorily  
972 completed the educational curriculum administered by the  
973 division or a division-approved condominium education provider.  
974 The educational curriculum must be at least 4 hours long and  
975 include instruction on milestone inspections, structural  
976 integrity reserve studies, elections, recordkeeping, financial  
977 literacy and transparency, levying of fines, and notice and

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978 meeting requirements within 1 year before or 90 days after the  
979 date of election or appointment.

980  
981 Each newly elected or appointed director must submit to the  
982 secretary of the association the written certification and  
983 educational certificate within 1 year before being elected or  
984 appointed or 90 days after the date of election or appointment.

985 A director of an association of a residential condominium who  
986 was elected or appointed before July 1, 2024, must comply with  
987 the written certification and educational certificate  
988 requirements in this sub-subparagraph by June 30, 2025. The  
989 written certification and ~~or~~ educational certificate is valid  
990 for 7 years after the date of issuance and does not have to be  
991 resubmitted as long as the director serves on the board without  
992 interruption during the 7-year period. A director who is  
993 appointed by the developer may satisfy the educational  
994 certificate requirement in sub-sub-subparagraph (II) for any  
995 subsequent appointment to a board by a developer within 7 years  
996 after the date of issuance of the most recent educational  
997 certificate, including any interruption of service on a board or  
998 appointment to a board in another association within that 7-year  
999 period. One year after submission of the most recent written  
1000 certification and educational certificate, and annually  
1001 thereafter, a director of an association of a residential  
1002 condominium must submit to the secretary of the association a

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1003 certificate of having satisfactorily completed at least 1 hour  
1004 of continuing education administered by the division, or a  
1005 division-approved condominium education provider, relating to  
1006 any recent changes to this chapter and the related  
1007 administrative rules during the past year. A director of an  
1008 association of a residential condominium who fails to timely  
1009 file the written certification and ~~or~~ educational certificate is  
1010 suspended from service on the board until he or she complies  
1011 with this sub-subparagraph. The board may temporarily fill the  
1012 vacancy during the period of suspension. The secretary shall  
1013 cause the association to retain a director's written  
1014 certification and ~~or~~ educational certificate for inspection by  
1015 the members for 7 ~~5~~ years after a director's election or the  
1016 duration of the director's uninterrupted tenure, whichever is  
1017 longer. Failure to have such written certification and ~~or~~  
1018 educational certificate on file does not affect the validity of  
1019 any board action.

1020 c. Any challenge to the election process must be commenced  
1021 within 60 days after the election results are announced.

1022 5. Any approval by unit owners called for by this chapter  
1023 or the applicable declaration or bylaws, including, but not  
1024 limited to, the approval requirement in s. 718.111(8), must be  
1025 made at a duly noticed meeting of unit owners and is subject to  
1026 all requirements of this chapter or the applicable condominium  
1027 documents relating to unit owner decisionmaking, except that

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1028 unit owners may take action by written agreement, without  
1029 meetings, on matters for which action by written agreement  
1030 without meetings is expressly allowed by the applicable bylaws  
1031 or declaration or any law that provides for such action.

1032 6. Unit owners may waive notice of specific meetings if  
1033 allowed by the applicable bylaws or declaration or any law.  
1034 Notice of meetings of the board of administration; unit owner  
1035 meetings, except unit owner meetings called to recall board  
1036 members under paragraph (1); and committee meetings may be given  
1037 by electronic transmission to unit owners who consent to receive  
1038 notice by electronic transmission. A unit owner who consents to  
1039 receiving notices by electronic transmission is solely  
1040 responsible for removing or bypassing filters that block receipt  
1041 of mass e-mails sent to members on behalf of the association in  
1042 the course of giving electronic notices.

1043 7. Unit owners have the right to participate in meetings  
1044 of unit owners with reference to all designated agenda items.  
1045 However, the association may adopt reasonable rules governing  
1046 the frequency, duration, and manner of unit owner participation.

1047 8. A unit owner may tape record or videotape a meeting of  
1048 the unit owners subject to reasonable rules adopted by the  
1049 division.

1050 9. Unless otherwise provided in the bylaws, any vacancy  
1051 occurring on the board before the expiration of a term may be  
1052 filled by the affirmative vote of the majority of the remaining

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1053 directors, even if the remaining directors constitute less than  
1054 a quorum, or by the sole remaining director. In the alternative,  
1055 a board may hold an election to fill the vacancy, in which case  
1056 the election procedures must conform to sub-subparagraph 4.a.  
1057 unless the association governs 10 units or fewer and has opted  
1058 out of the statutory election process, in which case the bylaws  
1059 of the association control. Unless otherwise provided in the  
1060 bylaws, a board member appointed or elected under this section  
1061 shall fill the vacancy for the unexpired term of the seat being  
1062 filled. Filling vacancies created by recall is governed by  
1063 paragraph (1) and rules adopted by the division.

1064 10. This chapter does not limit the use of general or  
1065 limited proxies, require the use of general or limited proxies,  
1066 or require the use of a written ballot or voting machine for any  
1067 agenda item or election at any meeting of a timeshare  
1068 condominium association or nonresidential condominium  
1069 association.

1070  
1071 Notwithstanding subparagraph (b)2. and sub-subparagraph 4.a., an  
1072 association of 10 or fewer units may, by affirmative vote of a  
1073 majority of the total voting interests, provide for different  
1074 voting and election procedures in its bylaws, which may be by a  
1075 proxy specifically delineating the different voting and election  
1076 procedures. The different voting and election procedures may

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1077 provide for elections to be conducted by limited or general  
1078 proxy.

1079 (f) *Annual budget.*—

1080 1. The proposed annual budget of estimated revenues and  
1081 expenses must be detailed and must show the amounts budgeted by  
1082 accounts and expense classifications, including, at a minimum,  
1083 any applicable expenses listed in s. 718.504(21). The board  
1084 shall adopt the annual budget at least 14 days before the start  
1085 of the association's fiscal year. In the event that the board  
1086 fails to timely adopt the annual budget a second time, it is  
1087 deemed a minor violation and the prior year's budget shall  
1088 continue in effect until a new budget is adopted. A  
1089 multicondominium association must adopt a separate budget of  
1090 common expenses for each condominium the association operates  
1091 and must adopt a separate budget of common expenses for the  
1092 association. In addition, if the association maintains limited  
1093 common elements with the cost to be shared only by those  
1094 entitled to use the limited common elements as provided for in  
1095 s. 718.113(1), the budget or a schedule attached to it must show  
1096 the amount budgeted for this maintenance. If, after turnover of  
1097 control of the association to the unit owners, any of the  
1098 expenses listed in s. 718.504(21) are not applicable, they do  
1099 not need to be listed.

1100 2.a. In addition to annual operating expenses, the budget  
1101 must include reserve accounts for capital expenditures and

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1102 deferred maintenance. These accounts must include, but are not  
1103 limited to, roof replacement, building painting, and pavement  
1104 resurfacing, regardless of the amount of deferred maintenance  
1105 expense or replacement cost, and any other item that has a  
1106 deferred maintenance expense or replacement cost that exceeds  
1107 \$10,000. The amount to be reserved must be computed using a  
1108 formula based upon estimated remaining useful life and estimated  
1109 replacement cost or deferred maintenance expense of the reserve  
1110 item. In a budget adopted by an association that is required to  
1111 obtain a structural integrity reserve study, reserves must be  
1112 maintained for the items identified in paragraph (g) for which  
1113 the association is responsible pursuant to the declaration of  
1114 condominium, and the reserve amount for such items must be based  
1115 on the findings and recommendations of the association's most  
1116 recent structural integrity reserve study. With respect to items  
1117 for which an estimate of useful life is not readily  
1118 ascertainable or with an estimated remaining useful life of  
1119 greater than 25 years, an association is not required to reserve  
1120 replacement costs for such items, but an association must  
1121 reserve the amount of deferred maintenance expense, if any,  
1122 which is recommended by the structural integrity reserve study  
1123 for such items. The association may adjust replacement reserve  
1124 assessments annually to take into account an inflation  
1125 adjustment and any changes in estimates or extension of the  
1126 useful life of a reserve item caused by deferred maintenance.

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1127 The members of a unit-owner-controlled association may  
1128 determine, by a majority vote of the total voting interests of  
1129 the association, to provide no reserves or less reserves than  
1130 required by this subsection. For a budget adopted on or after  
1131 December 31, 2024, the members of a unit-owner-controlled  
1132 association that must obtain a structural integrity reserve  
1133 study may not determine to provide no reserves or less reserves  
1134 than required by this subsection for items listed in paragraph  
1135 (g), except that members of an association operating a  
1136 multicondominium may determine to provide no reserves or less  
1137 reserves than required by this subsection if an alternative  
1138 funding method has been approved by the division. If the local  
1139 building official, as defined in s. 468.603, determines that the  
1140 entire condominium building is uninhabitable due to a natural  
1141 emergency, as defined in s. 252.34, the board, upon the approval  
1142 of a majority of its members, may pause the contribution to its  
1143 reserves or reduce reserve funding until the local building  
1144 official determines that the condominium building is habitable.  
1145 Any reserve account funds held by the association may be  
1146 expended, pursuant to the board's determination, to make the  
1147 condominium building and its structures habitable. Upon the  
1148 determination by the local building official that the  
1149 condominium building is habitable, the association must  
1150 immediately resume contributing funds to its reserves.

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1151           b. Before turnover of control of an association by a  
1152 developer to unit owners other than a developer under s.  
1153 718.301, the developer-controlled association may not vote to  
1154 waive the reserves or reduce funding of the reserves. If a  
1155 meeting of the unit owners has been called to determine whether  
1156 to waive or reduce the funding of reserves and no such result is  
1157 achieved or a quorum is not attained, the reserves included in  
1158 the budget shall go into effect. After the turnover, the  
1159 developer may vote its voting interest to waive or reduce the  
1160 funding of reserves.

1161           3. Reserve funds and any interest accruing thereon shall  
1162 remain in the reserve account or accounts, and may be used only  
1163 for authorized reserve expenditures unless their use for other  
1164 purposes is approved in advance by a majority vote of all the  
1165 total voting interests of the association. Before turnover of  
1166 control of an association by a developer to unit owners other  
1167 than the developer pursuant to s. 718.301, the developer-  
1168 controlled association may not vote to use reserves for purposes  
1169 other than those for which they were intended. For a budget  
1170 adopted on or after December 31, 2024, members of a unit-owner-  
1171 controlled association that must obtain a structural integrity  
1172 reserve study may not vote to use reserve funds, or any interest  
1173 accruing thereon, for any other purpose other than the  
1174 replacement or deferred maintenance costs of the components  
1175 listed in paragraph (g).

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1176 4. The only voting interests that are eligible to vote on  
1177 questions that involve waiving or reducing the funding of  
1178 reserves, or using existing reserve funds for purposes other  
1179 than purposes for which the reserves were intended, are the  
1180 voting interests of the units subject to assessment to fund the  
1181 reserves in question. Proxy questions relating to waiving or  
1182 reducing the funding of reserves or using existing reserve funds  
1183 for purposes other than purposes for which the reserves were  
1184 intended must contain the following statement in capitalized,  
1185 bold letters in a font size larger than any other used on the  
1186 face of the proxy ballot: WAIVING OF RESERVES, IN WHOLE OR IN  
1187 PART, OR ALLOWING ALTERNATIVE USES OF EXISTING RESERVES MAY  
1188 RESULT IN UNIT OWNER LIABILITY FOR PAYMENT OF UNANTICIPATED  
1189 SPECIAL ASSESSMENTS REGARDING THOSE ITEMS.

1190 (g) *Structural integrity reserve study.*—

1191 1. A residential condominium association must have a  
1192 structural integrity reserve study completed at least every 10  
1193 years after the condominium's creation for each building on the  
1194 condominium property that is three stories or higher in height,  
1195 as determined by the Florida Building Code, which includes, at a  
1196 minimum, a study of the following items as related to the  
1197 structural integrity and safety of the building:

1198 a. Roof.

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1199           b. Structure, including load-bearing walls and other  
1200 primary structural members and primary structural systems as  
1201 those terms are defined in s. 627.706.

1202           c. Fireproofing and fire protection systems.

1203           d. Plumbing.

1204           e. Electrical systems.

1205           f. Waterproofing and exterior painting.

1206           g. Windows and exterior doors.

1207           h. Any other item that has a deferred maintenance expense  
1208 or replacement cost that exceeds \$10,000 and the failure to  
1209 replace or maintain such item negatively affects the items  
1210 listed in sub-subparagraphs a.-g., as determined by the visual  
1211 inspection portion of the structural integrity reserve study.

1212           2. A structural integrity reserve study is based on a  
1213 visual inspection of the condominium property. A structural  
1214 integrity reserve study may be performed by any person qualified  
1215 to perform such study. However, the visual inspection portion of  
1216 the structural integrity reserve study must be performed or  
1217 verified by an engineer licensed under chapter 471, an architect  
1218 licensed under chapter 481, or a person certified as a reserve  
1219 specialist or professional reserve analyst by the Community  
1220 Associations Institute or the Association of Professional  
1221 Reserve Analysts.

1222           3. At a minimum, a structural integrity reserve study must  
1223 identify each item of the condominium property being visually

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1224 inspected, state the estimated remaining useful life and the  
1225 estimated replacement cost or deferred maintenance expense of  
1226 each item of the condominium property being visually inspected,  
1227 and provide a reserve funding schedule with a recommended annual  
1228 reserve amount that achieves the estimated replacement cost or  
1229 deferred maintenance expense of each item of condominium  
1230 property being visually inspected by the end of the estimated  
1231 remaining useful life of the item. The structural integrity  
1232 reserve study may recommend that reserves do not need to be  
1233 maintained for any item for which an estimate of useful life and  
1234 an estimate of replacement cost cannot be determined, or the  
1235 study may recommend a deferred maintenance expense amount for  
1236 such item. The structural integrity reserve study may recommend  
1237 that reserves for replacement costs do not need to be maintained  
1238 for any item with an estimated remaining useful life of greater  
1239 than 25 years, but the study may recommend a deferred  
1240 maintenance expense amount for such item.

1241 4. This paragraph does not apply to buildings less than  
1242 three stories in height; single-family, two-family, or three-  
1243 family dwellings with three or fewer habitable stories above  
1244 ground; any portion or component of a building that has not been  
1245 submitted to the condominium form of ownership; or any portion  
1246 or component of a building that is maintained by a party other  
1247 than the association.

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1248           5. Before a developer turns over control of an association  
1249 to unit owners other than the developer, the developer must have  
1250 a turnover inspection report in compliance with s. 718.301(4) (p)  
1251 and (q) for each building on the condominium property that is  
1252 three stories or higher in height.

1253           6. Associations existing on or before July 1, 2022, which  
1254 are controlled by unit owners other than the developer, must  
1255 have a structural integrity reserve study completed by December  
1256 31, 2024, for each building on the condominium property that is  
1257 three stories or higher in height. An association that is  
1258 required to complete a milestone inspection in accordance with  
1259 s. 553.899 on or before December 31, 2026, may complete the  
1260 structural integrity reserve study simultaneously with the  
1261 milestone inspection. In no event may the structural integrity  
1262 reserve study be completed after December 31, 2026.

1263           7. If the milestone inspection required by s. 553.899, or  
1264 an inspection completed for a similar local requirement, was  
1265 performed within the past 5 years and meets the requirements of  
1266 this paragraph, such inspection may be used in place of the  
1267 visual inspection portion of the structural integrity reserve  
1268 study.

1269           8. If the officers or directors of an association  
1270 willfully and knowingly fail to complete a structural integrity  
1271 reserve study pursuant to this paragraph, such failure is a

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1272 breach of an officer's and director's fiduciary relationship to  
1273 the unit owners under s. 718.111(1).

1274 9. Within 45 days after receiving the structural integrity  
1275 reserve study, the association must distribute a copy of the  
1276 study to each unit owner or deliver to each unit owner a notice  
1277 that the completed study is available for inspection and copying  
1278 upon a written request. Distribution of a copy of the study or  
1279 notice must be made by United States mail or personal delivery  
1280 to the mailing address, property address, or any other address  
1281 of the owner provided to fulfill the association's notice  
1282 requirements under this chapter, or by electronic transmission  
1283 to the e-mail address or facsimile number provided to fulfill  
1284 the association's notice requirements to unit owners who  
1285 previously consented to receive notice by electronic  
1286 transmission.

1287 10. Within 45 days after receiving the structural  
1288 integrity reserve study, the association must provide the  
1289 division with a statement indicating that the study was  
1290 completed and that the association provided or made available  
1291 such study to each unit owner in accordance with this section.  
1292 The statement must be provided to the division in the manner  
1293 established by the division using a form posted on the  
1294 division's website.

1295 (q) *Director or officer offenses.-*

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1296           1. A director or an officer charged by information or  
1297 indictment with any of the following crimes must be removed from  
1298 office:

1299           a. Forgery, as provided in s. 831.01, of a ballot envelope  
1300 or voting certificate used in a condominium association  
1301 election.

1302           b. Theft, as provided in s. 812.014, or embezzlement  
1303 involving the association's funds or property.

1304           c. Destruction of, or the refusal to allow inspection or  
1305 copying of, an official record of a condominium association  
1306 which is accessible to unit owners within the time periods  
1307 required by general law, in furtherance of any crime. Such act  
1308 constitutes tampering with physical evidence as provided in s.  
1309 918.13.

1310           d. Obstruction of justice under chapter 843.

1311           e. Any criminal violation under this chapter.

1312           2. The board shall fill the vacancy in accordance with  
1313 paragraph (2) (d) a felony theft or embezzlement offense  
1314 involving the association's funds or property must be removed  
1315 from office, creating a vacancy in the office to be filled  
1316 according to law until the end of the period of the suspension  
1317 or the end of the director's term of office, whichever occurs  
1318 first. While such director or officer has such criminal charge  
1319 pending, he or she may not be appointed or elected to a position  
1320 as a director or officer of any association and may not have

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1321 access to the official records of any association, except  
1322 pursuant to a court order. However, if the charges are resolved  
1323 without a finding of guilt, the director or officer shall be  
1324 reinstated for the remainder of his or her term of office, if  
1325 any.

1326 (r) Fraudulent voting activities relating to association  
1327 elections; penalties.-

1328 1. A person who engages in the following acts of  
1329 fraudulent voting activity relating to association elections  
1330 commits a misdemeanor of the first degree, punishable as  
1331 provided in s. 775.082 or s. 775.083:

1332 a. Willfully and falsely swearing to or affirming an oath  
1333 or affirmation, or willfully procuring another person to falsely  
1334 swear to or affirm an oath or affirmation, in connection with or  
1335 arising out of voting activities.

1336 b. Perpetrating or attempting to perpetrate, or aiding in  
1337 the perpetration of, fraud in connection with a vote cast, to be  
1338 cast, or attempted to be cast.

1339 c. Preventing a member from voting or preventing a member  
1340 from voting as he or she intended by fraudulently changing or  
1341 attempting to change a ballot, ballot envelope, vote, or voting  
1342 certificate of the member.

1343 d. Menacing, threatening, or using bribery or any other  
1344 corruption to attempt, directly or indirectly, to influence,  
1345 deceive, or deter a member when the member is voting.

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1346 e. Giving or promising, directly or indirectly, anything  
1347 of value to another member with the intent to buy the vote of  
1348 that member or another member or to corruptly influence that  
1349 member or another member in casting his or her vote. This sub-  
1350 subparagraph does not apply to any food served which is to be  
1351 consumed at an election rally or a meeting or to any item of  
1352 nominal value which is used as an election advertisement,  
1353 including a campaign message designed to be worn by a member.

1354 f. Using or threatening to use, directly or indirectly,  
1355 force, violence, or intimidation or any tactic of coercion or  
1356 intimidation to induce or compel a member to vote or refrain  
1357 from voting in an election or on a particular ballot measure.

1358 2. Each of the following acts constitutes a misdemeanor of  
1359 the first degree, punishable as provided in s. 775.082 or s.  
1360 775.083:

1361 a. Knowingly aiding, abetting, or advising a person in the  
1362 commission of a fraudulent voting activity related to  
1363 association elections.

1364 b. Agreeing, conspiring, combining, or confederating with  
1365 at least one other person to commit a fraudulent voting activity  
1366 related to association elections.

1367 c. Having knowledge of a fraudulent voting activity  
1368 related to association elections and giving any aid to the  
1369 offender with intent that the offender avoid or escape  
1370 detection, arrest, trial, or punishment. This sub-subparagraph

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1371 does not apply to a licensed attorney giving legal advice to a  
1372 client.

1373 Section 10. Subsection (5) of section 718.113, Florida  
1374 Statutes, is amended to read:

1375 718.113 Maintenance; limitation upon improvement; display  
1376 of flag; hurricane ~~shutters~~ and protection; display of religious  
1377 decorations.—

1378 (5) To protect the health, safety, and welfare of the  
1379 people of the state and to ensure uniformity and consistency in  
1380 the hurricane protections installed by condominium associations  
1381 and unit owners, this subsection applies to all residential and  
1382 mixed-use condominiums in the state, regardless of when the  
1383 condominium is created pursuant to the declaration of  
1384 condominium. Each board of administration of a residential  
1385 condominium or mixed-use condominium must ~~shall~~ adopt hurricane  
1386 protection ~~shutter~~ specifications for each building within each  
1387 condominium operated by the association which may ~~shall~~ include  
1388 color, style, and other factors deemed relevant by the board.  
1389 All specifications adopted by the board must comply with the  
1390 applicable building code. The installation, maintenance, repair,  
1391 replacement, and operation of hurricane protection in accordance  
1392 with this subsection is not considered a material alteration or  
1393 substantial addition to the common elements or association  
1394 property within the meaning of this section.

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1395 (a) The board may, subject to s. 718.3026 and the approval  
1396 of a majority of voting interests of the residential condominium  
1397 or mixed-use condominium, install or require that unit owners  
1398 install hurricane shutters, impact glass, code-compliant windows  
1399 or doors, or other types of code-compliant hurricane protection  
1400 that complies ~~comply~~ with or exceeds ~~exceed~~ the applicable  
1401 building code. A vote of the unit owners to require the  
1402 installation of hurricane protection must be set forth in a  
1403 certificate attesting to such vote and include the date that the  
1404 hurricane protection must be installed. The board must record  
1405 the certificate in the public records of the county in which the  
1406 condominium is located. Once the certificate is recorded, the  
1407 board must mail or hand deliver a copy of the recorded  
1408 certificate to the unit owners at the owners' addresses, as  
1409 reflected in the records of the association. The board may  
1410 provide to unit owners who previously consented to receive  
1411 notice by electronic transmission a copy of the recorded  
1412 certificate by electronic transmission. The failure to record  
1413 the certificate or send a copy of the recorded certificate to  
1414 the unit owners does not affect the validity or enforceability  
1415 of the vote of the unit owners. ~~However,~~ A vote of the unit  
1416 owners under this paragraph is not required if the installation,  
1417 maintenance, repair, and replacement of the hurricane shutters,  
1418 impact glass, code-compliant windows or doors, or other types of  
1419 code-compliant hurricane protection, or any exterior windows,

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1420 doors, or other apertures protected by the hurricane protection,  
1421 is are the responsibility of the association pursuant to the  
1422 declaration of condominium as originally recorded or as amended,  
1423 or if the unit owners are required to install hurricane  
1424 protection pursuant to the declaration of condominium as  
1425 originally recorded or as amended. If hurricane protection ~~or~~  
1426 ~~laminated glass or window film architecturally designed to~~  
1427 ~~function as hurricane protection~~ that complies with or exceeds  
1428 the current applicable building code has been previously  
1429 installed, the board may not install the same type of hurricane  
1430 ~~shutters, impact glass, code-compliant windows or doors, or~~  
1431 ~~other types of code-compliant hurricane protection~~ or require  
1432 that unit owners install the same type of hurricane protection  
1433 unless the installed hurricane protection has reached the end of  
1434 its useful life or unless it is necessary to prevent damage to  
1435 the common elements or to a unit ~~except upon approval by a~~  
1436 ~~majority vote of the voting interests.~~

1437 ~~(b) The association is responsible for the maintenance,~~  
1438 ~~repair, and replacement of the hurricane shutters, impact glass,~~  
1439 ~~code-compliant windows or doors, or other types of code-~~  
1440 ~~compliant hurricane protection authorized by this subsection if~~  
1441 ~~such property is the responsibility of the association pursuant~~  
1442 ~~to the declaration of condominium. If the hurricane shutters,~~  
1443 ~~impact glass, code-compliant windows or doors, or other types of~~  
1444 ~~code-compliant hurricane protection are the responsibility of~~

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1445 ~~the unit owners pursuant to the declaration of condominium, the~~  
1446 ~~maintenance, repair, and replacement of such items are the~~  
1447 ~~responsibility of the unit owner.~~

1448 ~~(b)(e) The board may operate shutters, impact glass, code-~~  
1449 ~~compliant windows or doors, or other types of code-compliant~~  
1450 ~~hurricane protection installed pursuant to this subsection~~  
1451 ~~without permission of the unit owners only if such operation is~~  
1452 ~~necessary to preserve and protect the condominium property or~~  
1453 ~~and association property. The installation, replacement,~~  
1454 ~~operation, repair, and maintenance of such shutters, impact~~  
1455 ~~glass, code-compliant windows or doors, or other types of code-~~  
1456 ~~compliant hurricane protection in accordance with the procedures~~  
1457 ~~set forth in this paragraph are not a material alteration to the~~  
1458 ~~common elements or association property within the meaning of~~  
1459 ~~this section.~~

1460 ~~(c)(d) Notwithstanding any other provision in the~~  
1461 ~~residential condominium or mixed-use condominium documents, if~~  
1462 ~~approval is required by the documents, a board may not refuse to~~  
1463 ~~approve the installation or replacement of ~~hurricane shutters,~~~~  
1464 ~~impact glass, code-compliant windows or doors, or other types of~~  
1465 ~~code-compliant hurricane protection by a unit owner which~~  
1466 ~~conforms ~~conforming~~ to the specifications adopted by the board.~~  
1467 ~~However, a board may require the unit owner to adhere to an~~  
1468 ~~existing unified building scheme regarding the external~~  
1469 ~~appearance of the condominium.~~

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1470 (d) A unit owner is not responsible for the cost of any  
1471 removal or reinstallation of hurricane protection, including  
1472 exterior windows, doors, or other apertures, if its removal is  
1473 necessary for the maintenance, repair, or replacement of other  
1474 condominium property or association property for which the  
1475 association is responsible. The board shall determine if the  
1476 removal or reinstallation of hurricane protection must be  
1477 completed by the unit owner or the association. If such removal  
1478 or reinstallation is completed by the association, the costs  
1479 incurred by the association may not be charged to the unit  
1480 owner. If such removal or reinstallation is completed by the  
1481 unit owner, the association must reimburse the unit owner for  
1482 the cost of the removal or reinstallation or the association  
1483 must apply a credit toward future assessments in the amount of  
1484 the unit owner's cost to remove or reinstall the hurricane  
1485 protection.

1486 (e) If the removal or reinstallation of hurricane  
1487 protection, including exterior windows, doors, or other  
1488 apertures, is the responsibility of the unit owner and the  
1489 association completes such removal or reinstallation and then  
1490 charges the unit owner for such removal or reinstallation, such  
1491 charges are enforceable as an assessment and may be collected in  
1492 the manner provided under s. 718.116.

1493 Section 11. Paragraph (e) of subsection (1) of section  
1494 718.115, Florida Statutes, is amended to read:

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1495 718.115 Common expenses and common surplus.—  
1496 (1)  
1497 (e) 1. Except as provided in s. 718.113(5) (d), ~~The expense~~  
1498 ~~of installation, replacement, operation, repair, and maintenance~~  
1499 ~~of hurricane shutters, impact glass, code-compliant windows or~~  
1500 ~~doors, or other types of code-compliant hurricane protection by~~  
1501 ~~the board pursuant to s. 718.113(5) constitutes a common expense~~  
1502 ~~and shall be collected as provided in this section if the~~  
1503 ~~association is responsible for the maintenance, repair, and~~  
1504 ~~replacement of the hurricane shutters, impact glass, code-~~  
1505 ~~compliant windows or doors, or other types of code-compliant~~  
1506 ~~hurricane protection pursuant to the declaration of condominium.~~  
1507 ~~However,~~ if the installation of maintenance, repair, and  
1508 ~~replacement of the hurricane shutters, impact glass, code-~~  
1509 ~~compliant windows or doors, or other types of code-compliant~~  
1510 hurricane protection is ~~are~~ the responsibility of the unit  
1511 owners pursuant to the declaration of condominium or a vote of  
1512 the unit owners under s. 718.113(5), the cost of the  
1513 installation of ~~the hurricane shutters, impact glass, code-~~  
1514 ~~compliant windows or doors, or other types of code-compliant~~  
1515 hurricane protection by the association is not a common expense  
1516 and must ~~shall~~ be charged individually to the unit owners based  
1517 on the cost of installation of ~~the hurricane shutters, impact~~  
1518 ~~glass, code-compliant windows or doors, or other types of code-~~  
1519 ~~compliant~~ hurricane protection appurtenant to the unit. The

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1520 costs of installation of hurricane protection are enforceable as  
1521 an assessment and may be collected in the manner provided under  
1522 s. 718.116.

1523 2. Notwithstanding s. 718.116(9), and regardless of  
1524 whether ~~or not~~ the declaration requires the association or unit  
1525 owners to install, maintain, repair, or replace hurricane  
1526 ~~shutters, impact glass, code-compliant windows or doors, or~~  
1527 ~~other types of code-compliant~~ hurricane protection, the a unit  
1528 owner of a unit in which who has previously installed hurricane  
1529 ~~shutters in accordance with s. 718.113(5) that comply with the~~  
1530 ~~current applicable building code shall receive a credit when the~~  
1531 ~~shutters are installed; a unit owner who has previously~~  
1532 ~~installed impact glass or code-compliant windows or doors that~~  
1533 ~~comply with the current applicable building code shall receive a~~  
1534 ~~credit when the impact glass or code-compliant windows or doors~~  
1535 ~~are installed; and a unit owner who has installed other types of~~  
1536 ~~code-compliant~~ hurricane protection that complies ~~comply~~ with  
1537 the current applicable building code has been installed is  
1538 excused from any assessment levied by the association or shall  
1539 receive a credit if ~~when~~ the same type of ~~other code-compliant~~  
1540 hurricane protection is installed by the association. A credit  
1541 is applicable if the installation of hurricane protection is for  
1542 all other units that do not have hurricane protection and the  
1543 cost of such installation is funded by the association's budget,  
1544 including the use of reserve funds. The credit must be equal to

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1545 the amount that the unit owner would have been assessed to  
1546 install the hurricane protection, and the credit shall be equal  
1547 to the pro rata portion of the assessed installation cost  
1548 assigned to each unit. However, such unit owner remains  
1549 responsible for the pro rata share of expenses for hurricane  
1550 ~~shutters, impact glass, code-compliant windows or doors, or~~  
1551 ~~other types of code-compliant~~ hurricane protection installed on  
1552 common elements and association property by the board pursuant  
1553 to s. 718.113(5) and remains responsible for a pro rata share of  
1554 the expense of the replacement, operation, repair, and  
1555 maintenance of such ~~shutters, impact glass, code-compliant~~  
1556 ~~windows or doors, or other types of code-compliant~~ hurricane  
1557 protection. Expenses for the installation, replacement,  
1558 operation, repair, or maintenance of hurricane protection on  
1559 common elements and association property are common expenses.

1560 Section 12. Paragraph (a) of subsection (4) of section  
1561 718.121, Florida Statutes, is amended to read:

1562 718.121 Liens.—

1563 (4) (a) If an association sends out an invoice for  
1564 assessments or a unit's statement of the account described in s.  
1565 718.111(12)(a)11.c. ~~s. 718.111(12)(a)11.b.~~, the invoice for  
1566 assessments or the unit's statement of account must be delivered  
1567 to the unit owner by first-class United States mail or by  
1568 electronic transmission to the unit owner's e-mail address  
1569 maintained in the association's official records.

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1570 Section 13. Section 718.124, Florida Statutes, is amended  
1571 to read:

1572 718.124 Limitation on actions by association.—The statute  
1573 of limitations and statute of repose for any actions in law or  
1574 equity which a condominium association or a cooperative  
1575 association may have shall not begin to run until the unit  
1576 owners have elected a majority of the members of the board of  
1577 administration.

1578 Section 14. Section 718.1224, Florida Statutes, is amended  
1579 to read:

1580 718.1224 Prohibition against SLAPP suits; other prohibited  
1581 actions.—

1582 (1) It is the intent of the Legislature to protect the  
1583 right of condominium unit owners to exercise their rights to  
1584 instruct their representatives and petition for redress of  
1585 grievances before their condominium associations and the various  
1586 governmental entities of this state as protected by the First  
1587 Amendment to the United States Constitution and s. 5, Art. I of  
1588 the State Constitution. The Legislature recognizes that  
1589 strategic lawsuits against public participation, or "SLAPP  
1590 suits," as they are typically referred to, have occurred when  
1591 association members are sued by condominium associations,  
1592 individuals, business entities, or governmental entities arising  
1593 out of a condominium unit owner's appearance and presentation  
1594 before the board of the condominium association or a

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1595 governmental entity on matters related to the condominium  
1596 association. However, it is the public policy of this state that  
1597 condominium associations, governmental entities, business  
1598 organizations, and individuals not engage in SLAPP suits,  
1599 because such actions are inconsistent with the right of  
1600 condominium unit owners to participate in their condominium  
1601 association and in the state's institutions of government.  
1602 Therefore, the Legislature finds and declares that prohibiting  
1603 such lawsuits by condominium associations, governmental  
1604 entities, business entities, and individuals against condominium  
1605 unit owners who address matters concerning their condominium  
1606 association will preserve this fundamental state policy,  
1607 preserve the constitutional rights of condominium unit owners,  
1608 ~~and~~ ensure the continuation of representative government in this  
1609 state, and ensure unit owner participation in condominium  
1610 associations. It is the intent of the Legislature that such  
1611 lawsuits be expeditiously disposed of by the courts. As used in  
1612 this subsection, the term "governmental entity" means the state,  
1613 including the executive, legislative, and judicial branches of  
1614 government; law enforcement agencies; the independent  
1615 establishments of the state, counties, municipalities,  
1616 districts, authorities, boards, or commissions; or any agencies  
1617 of these branches that are subject to chapter 286.

1618 (2) A condominium association, governmental entity,  
1619 business organization, or individual in this state may not file

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1620 or cause to be filed through its employees or agents any  
1621 lawsuit, cause of action, claim, cross-claim, or counterclaim  
1622 against a condominium unit owner without merit and solely  
1623 because such condominium unit owner has exercised the right to  
1624 instruct his or her representatives or the right to petition for  
1625 redress of grievances before the condominium association or the  
1626 various governmental entities of this state, as protected by the  
1627 First Amendment to the United States Constitution and s. 5, Art.  
1628 I of the State Constitution.

1629 (3) It is unlawful for a condominium association to fine,  
1630 discriminatorily increase a unit owner's assessments,  
1631 discriminatorily decrease services to a unit owner, or bring or  
1632 threaten to bring an action for possession or other civil  
1633 action, including a defamation, libel, slander, or tortious  
1634 interference action, based on conduct described in this  
1635 subsection. In order for the unit owner to raise the defense of  
1636 retaliatory conduct, the unit owner must have acted in good  
1637 faith and not for any improper purposes, such as to harass or to  
1638 cause unnecessary delay or for frivolous purpose or needless  
1639 increase in the cost of litigation. Examples of conduct for  
1640 which a condominium association, an officer, a director, or an  
1641 agent of an association may not retaliate include, but are not  
1642 limited to, situations in which:

1643 (a) The unit owner has in good faith complained to a  
1644 governmental agency charged with responsibility for enforcement

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1645 of a building, housing, or health code of a suspected violation  
1646 applicable to the condominium;

1647 (b) The unit owner has organized, encouraged, or  
1648 participated in a unit owners' organization;

1649 (c) The unit owner submitted information or filed a  
1650 complaint alleging criminal violations or violations of this  
1651 chapter or the rules of the division with the division, the  
1652 Office of the Condominium Ombudsman, a law enforcement agency, a  
1653 state attorney, the Attorney General, or any other governmental  
1654 agency;

1655 (d) The unit owner has exercised his or her rights under  
1656 this chapter;

1657 (e) The unit owner has complained to the association or  
1658 any of the association's representatives for the failure to  
1659 comply with this chapter or chapter 617; or

1660 (f) The unit owner has made public statements critical of  
1661 the operation or management of the association.

1662 (4) Evidence of retaliatory conduct may be raised by the  
1663 unit owner as a defense in any action brought against him or her  
1664 for possession.

1665 (5)-(3) A condominium unit owner sued by a condominium  
1666 association, governmental entity, business organization, or  
1667 individual in violation of this section has a right to an  
1668 expeditious resolution of a claim that the suit is in violation  
1669 of this section. A condominium unit owner may petition the court

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1670 for an order dismissing the action or granting final judgment in  
1671 favor of that condominium unit owner. The petitioner may file a  
1672 motion for summary judgment, together with supplemental  
1673 affidavits, seeking a determination that the condominium  
1674 association's, governmental entity's, business organization's,  
1675 or individual's lawsuit has been brought in violation of this  
1676 section. The condominium association, governmental entity,  
1677 business organization, or individual shall thereafter file its  
1678 response and any supplemental affidavits. As soon as  
1679 practicable, the court shall set a hearing on the petitioner's  
1680 motion, which shall be held at the earliest possible time after  
1681 the filing of the condominium association's, governmental  
1682 entity's, business organization's, or individual's response. The  
1683 court may award the condominium unit owner sued by the  
1684 condominium association, governmental entity, business  
1685 organization, or individual actual damages arising from the  
1686 condominium association's, governmental entity's, individual's,  
1687 or business organization's violation of this section. A court  
1688 may treble the damages awarded to a prevailing condominium unit  
1689 owner and shall state the basis for the treble damages award in  
1690 its judgment. The court shall award the prevailing party  
1691 reasonable attorney's fees and costs incurred in connection with  
1692 a claim that an action was filed in violation of this section.

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1693 (6)-(4) Condominium associations may not expend association  
1694 funds in prosecuting a SLAPP suit against a condominium unit  
1695 owner.

1696 (7) Condominium associations may not expend association  
1697 funds in support of a defamation, libel, slander, or tortious  
1698 interference action against a unit owner or any other claim  
1699 against a unit owner based on conduct described in subsection  
1700 (3).

1701 Section 15. Section 718.128, Florida Statutes, is amended  
1702 to read:

1703 718.128 Electronic voting.—The association may conduct  
1704 elections and other unit owner votes through an Internet-based  
1705 online voting system if a unit owner consents, electronically or  
1706 in writing, to online voting and if the following requirements  
1707 are met:

1708 (1) The association provides each unit owner with:

1709 (a) A method to authenticate the unit owner's identity to  
1710 the online voting system.

1711 (b) For elections of the board, a method to transmit an  
1712 electronic ballot to the online voting system that ensures the  
1713 secrecy and integrity of each ballot.

1714 (c) A method to confirm, at least 14 days before the  
1715 voting deadline, that the unit owner's electronic device can  
1716 successfully communicate with the online voting system.

1717 (2) The association uses an online voting system that is:

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- 1718 (a) Able to authenticate the unit owner's identity.
- 1719 (b) Able to authenticate the validity of each electronic  
1720 vote to ensure that the vote is not altered in transit.
- 1721 (c) Able to transmit a receipt from the online voting  
1722 system to each unit owner who casts an electronic vote.
- 1723 (d) For elections of the board of administration, able to  
1724 permanently separate any authentication or identifying  
1725 information from the electronic election ballot, rendering it  
1726 impossible to tie an election ballot to a specific unit owner.
- 1727 (e) Able to store and keep electronic votes accessible to  
1728 election officials for recount, inspection, and review purposes.
- 1729 (3) A unit owner voting electronically pursuant to this  
1730 section shall be counted as being in attendance at the meeting  
1731 for purposes of determining a quorum. A substantive vote of the  
1732 unit owners may not be taken on any issue other than the issues  
1733 specifically identified in the electronic vote, when a quorum is  
1734 established based on unit owners voting electronically pursuant  
1735 to this section.
- 1736 (4) This section applies to an association that provides  
1737 for and authorizes an online voting system pursuant to this  
1738 section by a board resolution. If the board authorizes online  
1739 voting, the board must honor a unit owner's request to vote  
1740 electronically at all subsequent elections, unless such unit  
1741 owner opts out of online voting. The board resolution must  
1742 provide that unit owners receive notice of the opportunity to

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1743 | vote through an online voting system, must establish reasonable  
1744 | procedures and deadlines for unit owners to consent,  
1745 | electronically or in writing, to online voting, and must  
1746 | establish reasonable procedures and deadlines for unit owners to  
1747 | opt out of online voting after giving consent. Written notice of  
1748 | a meeting at which the resolution will be considered must be  
1749 | mailed, delivered, or electronically transmitted to the unit  
1750 | owners and posted conspicuously on the condominium property or  
1751 | association property at least 14 days before the meeting.  
1752 | Evidence of compliance with the 14-day notice requirement must  
1753 | be made by an affidavit executed by the person providing the  
1754 | notice and filed with the official records of the association.

1755 |       (5) A unit owner's consent to online voting is valid until  
1756 | the unit owner opts out of online voting according to the  
1757 | procedures established by the board of administration pursuant  
1758 | to subsection (4).

1759 |       (6) This section may apply to any matter that requires a  
1760 | vote of the unit owners who are not members of a timeshare  
1761 | condominium association.

1762 |       Section 16. Effective October 1, 2024, subsections (1) and  
1763 | (3) of section 718.202, Florida Statutes, are amended to read:

1764 |       718.202 Sales or reservation deposits prior to closing.—

1765 |       (1) If a developer contracts to sell a condominium parcel  
1766 | and the construction, furnishing, and landscaping of the  
1767 | property submitted or proposed to be submitted to condominium

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1768 ownership has not been substantially completed in accordance  
1769 with the plans and specifications and representations made by  
1770 the developer in the disclosures required by this chapter, the  
1771 developer shall pay into an escrow account all payments up to 10  
1772 percent of the sale price received by the developer from the  
1773 buyer towards the sale price. The escrow agent shall give to the  
1774 purchaser a receipt for the deposit, upon request. In lieu of  
1775 the foregoing concerning residential condominiums, the division  
1776 director has the discretion to accept other assurances,  
1777 including, but not limited to, a surety bond or an irrevocable  
1778 letter of credit in an amount equal to the escrow requirements  
1779 of this section. With respect to nonresidential condominiums,  
1780 the developer may deliver to the escrow agent a surety bond or  
1781 an irrevocable letter of credit in an amount equivalent to the  
1782 aggregate of some or all of all payments, up to 10 percent of  
1783 the sale price, received by the developer from all buyers toward  
1784 the sale price. In all cases, the aggregate of the initial 10  
1785 percent deposits being released must be secured by a surety bond  
1786 or irrevocable letter of credit in an equivalent amount. Default  
1787 determinations and refund of deposits shall be governed by the  
1788 escrow release provision of this subsection. Funds shall be  
1789 released from escrow as follows:

1790 (a) If a buyer properly terminates the contract pursuant  
1791 to its terms or pursuant to this chapter, the funds shall be  
1792 paid to the buyer together with any interest earned.

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1793 (b) If the buyer defaults in the performance of his or her  
1794 obligations under the contract of purchase and sale, the funds  
1795 shall be paid to the developer together with any interest  
1796 earned.

1797 (c) If the contract does not provide for the payment of  
1798 any interest earned on the escrowed funds, interest shall be  
1799 paid to the developer at the closing of the transaction.

1800 (d) If the funds of a buyer have not been previously  
1801 disbursed in accordance with the provisions of this subsection,  
1802 they may be disbursed to the developer by the escrow agent at  
1803 the closing of the transaction, unless prior to the disbursement  
1804 the escrow agent receives from the buyer written notice of a  
1805 dispute between the buyer and developer.

1806 (3) If the contract for sale of the condominium unit so  
1807 provides, the developer may withdraw escrow funds in excess of  
1808 10 percent of the purchase price from the special account  
1809 required by subsection (2) when the construction of improvements  
1810 has begun. He or she may use the funds for the actual costs  
1811 incurred by the developer in the construction and development of  
1812 the condominium property, or the easements and rights  
1813 appurtenant thereto, in which the unit to be sold is located.  
1814 For purposes of this subsection, the term "actual costs"  
1815 includes, but is not limited to, expenditures for demolition,  
1816 site clearing, permit fees, impact fees, and utility reservation  
1817 fees, as well as architectural, engineering, and surveying fees

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1818 that directly relate to construction and development of the  
1819 condominium property or the easements and rights appurtenant  
1820 thereto. However, no part of these funds may be used for  
1821 salaries, commissions, or expenses of salespersons; for  
1822 advertising, marketing, or promotional purposes; or for loan  
1823 fees and costs, principal and interest on loans, attorney fees,  
1824 accounting fees, or insurance costs. A contract that ~~which~~  
1825 permits use of the advance payments for these purposes must  
1826 ~~shall~~ include the following legend conspicuously printed or  
1827 stamped in boldfaced type on the first page of the contract and  
1828 immediately above the place for the signature of the buyer: "ANY  
1829 PAYMENT IN EXCESS OF 10 PERCENT OF THE PURCHASE PRICE MADE TO  
1830 DEVELOPER PRIOR TO CLOSING PURSUANT TO THIS CONTRACT MAY BE USED  
1831 FOR CONSTRUCTION PURPOSES BY THE DEVELOPER."

1832 Section 17. Paragraph (p) of subsection (4) of section  
1833 718.301, Florida Statutes, is amended to read:

1834 718.301 Transfer of association control; claims of defect  
1835 by association.—

1836 (4) At the time that unit owners other than the developer  
1837 elect a majority of the members of the board of administration  
1838 of an association, the developer shall relinquish control of the  
1839 association, and the unit owners shall accept control.

1840 Simultaneously, or for the purposes of paragraph (c) not more  
1841 than 90 days thereafter, the developer shall deliver to the  
1842 association, at the developer's expense, all property of the

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1843 unit owners and of the association which is held or controlled  
1844 by the developer, including, but not limited to, the following  
1845 items, if applicable, as to each condominium operated by the  
1846 association:

1847 (p) Notwithstanding when the certificate of occupancy was  
1848 issued or the height of the building, a turnover inspection  
1849 report included in the official records, under seal of an  
1850 architect or engineer authorized to practice in this state or a  
1851 person certified as a reserve specialist or professional reserve  
1852 analyst by the Community Associations Institute or the  
1853 Association of Professional Reserve Analysts, and consisting of  
1854 a structural integrity reserve study attesting to required  
1855 maintenance, condition, useful life, and replacement costs of  
1856 the following applicable condominium property:

- 1857 1. Roof.
- 1858 2. Structure, including load-bearing walls and primary  
1859 structural members and primary structural systems as those terms  
1860 are defined in s. 627.706.
- 1861 3. Fireproofing and fire protection systems.
- 1862 4. Plumbing.
- 1863 5. Electrical systems.
- 1864 6. Waterproofing and exterior painting.
- 1865 7. Windows and exterior doors.

1866 Section 18. Subsections (4) and (5) of section 718.3027,  
1867 Florida Statutes, are amended to read:

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1868 718.3027 Conflicts of interest.-

1869 (4) A director or an officer, or a relative of a director  
1870 or an officer, who is a party to, or has an interest in, an  
1871 activity that is a possible conflict of interest, as described  
1872 in subsection (1), may attend the meeting at which the activity  
1873 is considered by the board and is authorized to make a  
1874 presentation to the board regarding the activity. After the  
1875 presentation, the director or officer, and any ~~or the~~ relative  
1876 of the director or officer, must leave the meeting during the  
1877 discussion of, and the vote on, the activity. A director or an  
1878 officer who is a party to, or has an interest in, the activity  
1879 must recuse himself or herself from the vote. The attendance of  
1880 a director or an officer with a possible conflict of interest at  
1881 the meeting of the board is sufficient to constitute a quorum  
1882 for the meeting and the vote in his or her absence on the  
1883 proposed activity.

1884 (5) A contract entered into between a director or an  
1885 officer, or a relative of a director or an officer, and the  
1886 association, which is not a timeshare condominium association,  
1887 that has not been properly disclosed as a conflict of interest  
1888 or potential conflict of interest as required by this section or  
1889 s. 617.0832 ~~s. 718.111(12)(g)~~ is voidable and terminates upon  
1890 the filing of a written notice terminating the contract with the  
1891 board of directors which contains the consent of at least 20  
1892 percent of the voting interests of the association.

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1893 Section 19. Subsection (5) of section 718.303, Florida  
1894 Statutes, is amended to read:

1895 718.303 Obligations of owners and occupants; remedies.—

1896 (5) An association may suspend the voting rights of a unit  
1897 owner or member due to nonpayment of any fee, fine, or other  
1898 monetary obligation due to the association which is more than  
1899 \$1,000 and more than 90 days delinquent. Proof of such  
1900 obligation must be provided to the unit owner or member 30 days  
1901 before such suspension takes effect. At least 90 days before an  
1902 election, an association must notify a unit owner or member that  
1903 his or her voting rights may be suspended due to a nonpayment of  
1904 a fee or other monetary obligation. A voting interest or consent  
1905 right allocated to a unit owner or member which has been  
1906 suspended by the association shall be subtracted from the total  
1907 number of voting interests in the association, which shall be  
1908 reduced by the number of suspended voting interests when  
1909 calculating the total percentage or number of all voting  
1910 interests available to take or approve any action, and the  
1911 suspended voting interests shall not be considered for any  
1912 purpose, including, but not limited to, the percentage or number  
1913 of voting interests necessary to constitute a quorum, the  
1914 percentage or number of voting interests required to conduct an  
1915 election, or the percentage or number of voting interests  
1916 required to approve an action under this chapter or pursuant to  
1917 the declaration, articles of incorporation, or bylaws. The

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1918 suspension ends upon full payment of all obligations currently  
1919 due or overdue the association. The notice and hearing  
1920 requirements under subsection (3) do not apply to a suspension  
1921 imposed under this subsection.

1922 Section 20. Effective October 1, 2024, section 718.407,  
1923 Florida Statutes, is created to read:

1924 718.407 Condominiums created within a portion of a  
1925 building or within a multiple parcel building.-

1926 (1) A condominium may be created in accordance with this  
1927 section within a portion of a building or within a multiple  
1928 parcel building, as defined in s. 193.0237(1).

1929 (2) The common elements of a condominium created within a  
1930 portion of a building or within a multiple parcel building are  
1931 only those portions of the building submitted to the condominium  
1932 form of ownership, excluding the units of such condominium.

1933 (3) The declaration of condominium that creates a  
1934 condominium within a portion of a building or within a multiple  
1935 parcel building, the recorded instrument that creates the  
1936 multiple parcel building, and any other recorded instrument  
1937 applicable under this section must specify all of the following:

1938 (a) The portions of the building which are included in the  
1939 condominium and the portions of the building which are excluded.

1940 (b) The party responsible for maintaining and operating  
1941 those portions of the building which are shared facilities,  
1942 including, but not limited to, the roof, the exterior of the

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1943 building, the windows, the balconies, the elevators, the  
1944 building lobby, the corridors, the recreational amenities, and  
1945 the utilities.

1946 (c)1. The manner in which the expenses for the maintenance  
1947 and operation of the shared facilities will be apportioned. An  
1948 owner of a portion of a building which is not submitted to the  
1949 condominium form of ownership or the condominium association, as  
1950 applicable to the portion of the building submitted to the  
1951 condominium form of ownership, must approve any increase to the  
1952 apportionment of expenses to such portion of the building. The  
1953 apportionment of the expenses for the maintenance and operation  
1954 of the shared facilities may be based on any of the following  
1955 criteria or any combination thereof:

1956 a. The area or volume of each portion of the building in  
1957 relation to the total area or volume of the entire building,  
1958 exclusive of the shared facilities.

1959 b. The initial estimated market value of each portion of  
1960 the building in comparison to the total initial estimated market  
1961 value of the entire building.

1962 c. The extent to which the unit owners are permitted to  
1963 use various shared facilities.

1964 2. This paragraph does not preclude an alternative  
1965 apportionment of expenses as long as such apportionment is  
1966 stated in the declaration of condominium that creates a  
1967 condominium within a portion of a building or within a multiple

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1968 parcel building, the recorded instrument that creates the  
1969 multiple parcel building, or any other recorded instrument  
1970 applicable under this section.

1971 (d) The party responsible for collecting the shared  
1972 expenses.

1973 (e) The rights and remedies that are available to enforce  
1974 payment of the shared expenses.

1975 (4) The association of a condominium subject to this  
1976 section may inspect and copy the books and records upon which  
1977 the costs for maintaining and operating the shared facilities  
1978 are based and to receive an annual budget with respect to such  
1979 costs.

1980 (5) Each contract for the sale of a unit in a condominium  
1981 subject to this section must contain in conspicuous type a  
1982 clause that substantially states:

1983  
1984 DISCLOSURE SUMMARY  
1985 THE CONDOMINIUM IN WHICH YOUR UNIT IS LOCATED IS CREATED  
1986 WITHIN A PORTION OF A BUILDING OR WITHIN A MULTIPLE PARCEL  
1987 BUILDING. THE COMMON ELEMENTS OF THE CONDOMINIUM CONSIST  
1988 ONLY OF THE PORTIONS OF THE BUILDING SUBMITTED TO THE  
1989 CONDOMINIUM FORM OF OWNERSHIP.

1990  
1991 BUYER ACKNOWLEDGES ALL OF THE FOLLOWING:  
1992

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1993        (1) THE CONDOMINIUM MAY HAVE MINIMAL COMMON ELEMENTS.  
1994        (2) PORTIONS OF THE BUILDING WHICH ARE NOT INCLUDED IN THE  
1995        CONDOMINIUM ARE OR WILL BE GOVERNED BY A SEPARATE RECORDED  
1996        INSTRUMENT. SUCH INSTRUMENT CONTAINS IMPORTANT PROVISIONS  
1997        AND RIGHTS AND IS OR WILL BE AVAILABLE IN PUBLIC RECORDS.  
1998        (3) THE PARTY THAT CONTROLS THE MAINTENANCE AND OPERATION  
1999        OF THE PORTIONS OF THE BUILDING WHICH ARE NOT INCLUDED IN  
2000        THE CONDOMINIUM DETERMINES THE BUDGET FOR THE OPERATION AND  
2001        MAINTENANCE OF SUCH PORTIONS. HOWEVER, THE ASSOCIATION AND  
2002        UNIT OWNERS ARE STILL RESPONSIBLE FOR THEIR SHARE OF SUCH  
2003        EXPENSES.  
2004        (4) THE ALLOCATION BETWEEN THE UNIT OWNERS AND THE OWNERS  
2005        OF THE PORTIONS OF THE BUILDING WHICH ARE NOT INCLUDED IN  
2006        THE CONDOMINIUM OF THE COSTS TO MAINTAIN AND OPERATE THE  
2007        BUILDING CAN BE FOUND IN THE DECLARATION OF CONDOMINIUM OR  
2008        OTHER RECORDED INSTRUMENT.  
2009  
2010        (6) The creation of a multiple parcel building is not a  
2011        subdivision of the land upon which such building is situated  
2012        provided the land itself is not subdivided.  
2013        Section 21. Subsections (1) and (2) of section 718.501,  
2014        Florida Statutes, are amended to read:  
2015        718.501 Authority, responsibility, and duties of Division  
2016        of Florida Condominiums, Timeshares, and Mobile Homes.—

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2017 (1) The division may enforce and ensure compliance with  
2018 this chapter and rules relating to the development,  
2019 construction, sale, lease, ownership, operation, and management  
2020 of residential condominium units and complaints related to the  
2021 procedural completion of milestone inspections under s. 553.899.  
2022 In performing its duties, the division has complete jurisdiction  
2023 to investigate complaints and enforce compliance with respect to  
2024 associations that are still under developer control or the  
2025 control of a bulk assignee or bulk buyer pursuant to part VII of  
2026 this chapter and complaints against developers, bulk assignees,  
2027 or bulk buyers involving improper turnover or failure to  
2028 turnover, pursuant to s. 718.301. However, after turnover has  
2029 occurred, the division has jurisdiction to investigate  
2030 complaints related only to:

2031 (a)1. Procedural aspects and records relating to financial  
2032 issues, including annual financial reporting under s.  
2033 718.111(13); assessments for common expenses, fines, and  
2034 commingling of reserve and operating funds under s. 718.111(14);  
2035 use of debit cards for unintended purposes under s. 718.111(15);  
2036 the annual operating budget and the allocation of reserve funds  
2037 under s. 718.112(2)(f); financial records under s.  
2038 718.111(12)(a)11.; and any other record necessary to determine  
2039 the revenues and expenses of the association.

2040 2. Elections, including election and voting requirements  
2041 under s. 718.112(2)(b) and (d), recall of board members under s.

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2042 718.112(2)(1), electronic voting under s. 718.128, and elections  
2043 that occur during an emergency under s. 718.1265(1)(a).

2044 ~~financial issues, elections, and~~

2045 3. The maintenance of and unit owner access to association  
2046 records under s. 718.111(12).

2047 4. The procedural aspects of meetings, including unit  
2048 owner meetings, quorums, voting requirements, proxies, board of  
2049 administration meetings, and budget meetings under s.

2050 718.112(2).

2051 5. The disclosure of conflicts of interest under ss.  
2052 718.111(1)(a) and 718.3027, including limitations contained in  
2053 s. 718.111(3)(f).

2054 6. The removal of a board director or officer under ss.  
2055 718.111(1)(a) and (15) and 718.112(2)(p) and (q).~~and~~

2056 7. The procedural completion of structural integrity  
2057 reserve studies under s. 718.112(2)(g).

2058 8. Any written inquiries by unit owners to the association  
2059 relating to such matters, including written inquiries under s.  
2060 718.112(2)(a)2.

2061 ~~(b)1.(a)1.~~ The division may make necessary public or  
2062 private investigations within or outside this state to determine  
2063 whether any person has violated this chapter or any rule or  
2064 order hereunder, to aid in the enforcement of this chapter, or  
2065 to aid in the adoption of rules or forms.

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2066           2. The division may submit any official written report,  
2067 worksheet, or other related paper, or a duly certified copy  
2068 thereof, compiled, prepared, drafted, or otherwise made by and  
2069 duly authenticated by a financial examiner or analyst to be  
2070 admitted as competent evidence in any hearing in which the  
2071 financial examiner or analyst is available for cross-examination  
2072 and attests under oath that such documents were prepared as a  
2073 result of an examination or inspection conducted pursuant to  
2074 this chapter.

2075           ~~(c)~~ ~~(b)~~ The division may require or permit any person to  
2076 file a statement in writing, under oath or otherwise, as the  
2077 division determines, as to the facts and circumstances  
2078 concerning a matter to be investigated.

2079           ~~(d)~~ ~~(e)~~ For the purpose of any investigation under this  
2080 chapter, the division director or any officer or employee  
2081 designated by the division director may administer oaths or  
2082 affirmations, subpoena witnesses and compel their attendance,  
2083 take evidence, and require the production of any matter which is  
2084 relevant to the investigation, including the existence,  
2085 description, nature, custody, condition, and location of any  
2086 books, documents, or other tangible things and the identity and  
2087 location of persons having knowledge of relevant facts or any  
2088 other matter reasonably calculated to lead to the discovery of  
2089 material evidence. Upon the failure by a person to obey a  
2090 subpoena or to answer questions propounded by the investigating

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2091 officer and upon reasonable notice to all affected persons, the  
2092 division may apply to the circuit court for an order compelling  
2093 compliance.

2094 ~~(e)-(d)~~ Notwithstanding any remedies available to unit  
2095 owners and associations, if the division has reasonable cause to  
2096 believe that a violation of any provision of this chapter or  
2097 related rule has occurred, the division may institute  
2098 enforcement proceedings in its own name against any developer,  
2099 bulk assignee, bulk buyer, association, officer, or member of  
2100 the board of administration, or its assignees or agents, as  
2101 follows:

2102 1. The division may permit a person whose conduct or  
2103 actions may be under investigation to waive formal proceedings  
2104 and enter into a consent proceeding whereby orders, rules, or  
2105 letters of censure or warning, whether formal or informal, may  
2106 be entered against the person.

2107 2. The division may issue an order requiring the  
2108 developer, bulk assignee, bulk buyer, association, developer-  
2109 designated officer, or developer-designated member of the board  
2110 of administration, developer-designated assignees or agents,  
2111 bulk assignee-designated assignees or agents, bulk buyer-  
2112 designated assignees or agents, community association manager,  
2113 or community association management firm to cease and desist  
2114 from the unlawful practice and take such affirmative action as  
2115 in the judgment of the division carry out the purposes of this

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2116 chapter. If the division finds that a developer, bulk assignee,  
2117 bulk buyer, association, officer, or member of the board of  
2118 administration, or its assignees or agents, is violating or is  
2119 about to violate any provision of this chapter, any rule adopted  
2120 or order issued by the division, or any written agreement  
2121 entered into with the division, and presents an immediate danger  
2122 to the public requiring an immediate final order, it may issue  
2123 an emergency cease and desist order reciting with particularity  
2124 the facts underlying such findings. The emergency cease and  
2125 desist order is effective for 90 days. If the division begins  
2126 nonemergency cease and desist proceedings, the emergency cease  
2127 and desist order remains effective until the conclusion of the  
2128 proceedings under ss. 120.569 and 120.57.

2129 3. If a developer, bulk assignee, or bulk buyer fails to  
2130 pay any restitution determined by the division to be owed, plus  
2131 any accrued interest at the highest rate permitted by law,  
2132 within 30 days after expiration of any appellate time period of  
2133 a final order requiring payment of restitution or the conclusion  
2134 of any appeal thereof, whichever is later, the division must  
2135 bring an action in circuit or county court on behalf of any  
2136 association, class of unit owners, lessees, or purchasers for  
2137 restitution, declaratory relief, injunctive relief, or any other  
2138 available remedy. The division may also temporarily revoke its  
2139 acceptance of the filing for the developer to which the  
2140 restitution relates until payment of restitution is made.

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2141 4. The division may petition the court for appointment of  
2142 a receiver or conservator. If appointed, the receiver or  
2143 conservator may take action to implement the court order to  
2144 ensure the performance of the order and to remedy any breach  
2145 thereof. In addition to all other means provided by law for the  
2146 enforcement of an injunction or temporary restraining order, the  
2147 circuit court may impound or sequester the property of a party  
2148 defendant, including books, papers, documents, and related  
2149 records, and allow the examination and use of the property by  
2150 the division and a court-appointed receiver or conservator.

2151 5. The division may apply to the circuit court for an  
2152 order of restitution whereby the defendant in an action brought  
2153 under subparagraph 4. is ordered to make restitution of those  
2154 sums shown by the division to have been obtained by the  
2155 defendant in violation of this chapter. At the option of the  
2156 court, such restitution is payable to the conservator or  
2157 receiver appointed under subparagraph 4. or directly to the  
2158 persons whose funds or assets were obtained in violation of this  
2159 chapter.

2160 6. The division may impose a civil penalty against a  
2161 developer, bulk assignee, or bulk buyer, or association, or its  
2162 assignee or agent, for any violation of this chapter or related  
2163 rule. The division may impose a civil penalty individually  
2164 against an officer or board member who willfully and knowingly  
2165 violates this chapter, an adopted rule, or a final order of the

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2166 | division; may order the removal of such individual as an officer  
2167 | or from the board of administration or as an officer of the  
2168 | association; and may prohibit such individual from serving as an  
2169 | officer or on the board of a community association for a period  
2170 | of time. The term "willfully and knowingly" means that the  
2171 | division informed the officer or board member that his or her  
2172 | action or intended action violates this chapter, a rule adopted  
2173 | under this chapter, or a final order of the division and that  
2174 | the officer or board member refused to comply with the  
2175 | requirements of this chapter, a rule adopted under this chapter,  
2176 | or a final order of the division. The division, before  
2177 | initiating formal agency action under chapter 120, must afford  
2178 | the officer or board member an opportunity to voluntarily  
2179 | comply, and an officer or board member who complies within 10  
2180 | days is not subject to a civil penalty. A penalty may be imposed  
2181 | on the basis of each day of continuing violation, but the  
2182 | penalty for any offense may not exceed \$5,000. The division  
2183 | shall adopt, by rule, penalty guidelines applicable to possible  
2184 | violations or to categories of violations of this chapter or  
2185 | rules adopted by the division. The guidelines must specify a  
2186 | meaningful range of civil penalties for each such violation of  
2187 | the statute and rules and must be based upon the harm caused by  
2188 | the violation, upon the repetition of the violation, and upon  
2189 | such other factors deemed relevant by the division. For example,  
2190 | the division may consider whether the violations were committed

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2191 by a developer, bulk assignee, or bulk buyer, or owner-  
2192 controlled association, the size of the association, and other  
2193 factors. The guidelines must designate the possible mitigating  
2194 or aggravating circumstances that justify a departure from the  
2195 range of penalties provided by the rules. It is the legislative  
2196 intent that minor violations be distinguished from those which  
2197 endanger the health, safety, or welfare of the condominium  
2198 residents or other persons and that such guidelines provide  
2199 reasonable and meaningful notice to the public of likely  
2200 penalties that may be imposed for proscribed conduct. This  
2201 subsection does not limit the ability of the division to  
2202 informally dispose of administrative actions or complaints by  
2203 stipulation, agreed settlement, or consent order. All amounts  
2204 collected shall be deposited with the Chief Financial Officer to  
2205 the credit of the Division of Florida Condominiums, Timeshares,  
2206 and Mobile Homes Trust Fund. If a developer, bulk assignee, or  
2207 bulk buyer fails to pay the civil penalty and the amount deemed  
2208 to be owed to the association, the division shall issue an order  
2209 directing that such developer, bulk assignee, or bulk buyer  
2210 cease and desist from further operation until such time as the  
2211 civil penalty is paid or may pursue enforcement of the penalty  
2212 in a court of competent jurisdiction. If an association fails to  
2213 pay the civil penalty, the division shall pursue enforcement in  
2214 a court of competent jurisdiction, and the order imposing the  
2215 civil penalty or the cease and desist order is not effective

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2216 until 20 days after the date of such order. Any action commenced  
2217 by the division shall be brought in the county in which the  
2218 division has its executive offices or in the county in which  
2219 ~~where~~ the violation occurred.

2220 7. If a unit owner presents the division with proof that  
2221 the unit owner has requested access to official records in  
2222 writing by certified mail, and that after 10 days the unit owner  
2223 again made the same request for access to official records in  
2224 writing by certified mail, and that more than 10 days has  
2225 elapsed since the second request and the association has still  
2226 failed or refused to provide access to official records as  
2227 required by this chapter, the division shall issue a subpoena  
2228 requiring production of the requested records at the location in  
2229 which ~~where~~ the records are kept pursuant to s. 718.112. Upon  
2230 receipt of the records, the division must provide to the unit  
2231 owner who was denied access to such records the produced  
2232 official records without charge.

2233 8. In addition to subparagraph 6., the division may seek  
2234 the imposition of a civil penalty through the circuit court for  
2235 any violation for which the division may issue a notice to show  
2236 cause under paragraph (t) ~~(r)~~. The civil penalty shall be at  
2237 least \$500 but no more than \$5,000 for each violation. The court  
2238 may also award to the prevailing party court costs and  
2239 reasonable attorney fees and, if the division prevails, may also  
2240 award reasonable costs of investigation.

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2241 9. The division may issue citations and promulgate rules  
2242 to provide for citation bases and citation procedures in  
2243 accordance with this paragraph.

2244 (f)~~(e)~~ The division may prepare and disseminate a  
2245 prospectus and other information to assist prospective owners,  
2246 purchasers, lessees, and developers of residential condominiums  
2247 in assessing the rights, privileges, and duties pertaining  
2248 thereto.

2249 (g)~~(f)~~ The division may adopt rules to administer and  
2250 enforce this chapter.

2251 (h)~~(g)~~ The division shall establish procedures for  
2252 providing notice to an association and the developer, bulk  
2253 assignee, or bulk buyer during the period in which the  
2254 developer, bulk assignee, or bulk buyer controls the association  
2255 if the division is considering the issuance of a declaratory  
2256 statement with respect to the declaration of condominium or any  
2257 related document governing such condominium community.

2258 (i)~~(h)~~ The division shall furnish each association that  
2259 pays the fees required by paragraph (2)(a) a copy of this  
2260 chapter, as amended, and the rules adopted thereto on an annual  
2261 basis.

2262 (j)~~(i)~~ The division shall annually provide each  
2263 association with a summary of declaratory statements and formal  
2264 legal opinions relating to the operations of condominiums which  
2265 were rendered by the division during the previous year.

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2266        ~~(k)-(j)~~ The division shall provide training and educational  
2267 programs for condominium association board members and unit  
2268 owners. The training may, in the division's discretion, include  
2269 web-based electronic media and live training and seminars in  
2270 various locations throughout the state. The division may review  
2271 and approve education and training programs for board members  
2272 and unit owners offered by providers and shall maintain a  
2273 current list of approved programs and providers and make such  
2274 list available to board members and unit owners in a reasonable  
2275 and cost-effective manner. The division shall provide the  
2276 division-approved provider with the template certificate for  
2277 issuance directly to the association's board of directors who  
2278 have satisfactorily completed the requirements under s.  
2279 718.112 (2) (d). The division shall adopt rules to implement this  
2280 section.

2281        ~~(l)-(k)~~ The division shall maintain a toll-free telephone  
2282 number accessible to condominium unit owners.

2283        ~~(m)-(l)~~ The division shall develop a program to certify  
2284 both volunteer and paid mediators to provide mediation of  
2285 condominium disputes. The division shall provide, upon request,  
2286 a list of such mediators to any association, unit owner, or  
2287 other participant in alternative dispute resolution proceedings  
2288 under s. 718.1255 requesting a copy of the list. The division  
2289 shall include on the list of volunteer mediators only the names  
2290 of persons who have received at least 20 hours of training in

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2291 mediation techniques or who have mediated at least 20 disputes.  
2292 In order to become initially certified by the division, paid  
2293 mediators must be certified by the Supreme Court to mediate  
2294 court cases in county or circuit courts. However, the division  
2295 may adopt, by rule, additional factors for the certification of  
2296 paid mediators, which must be related to experience, education,  
2297 or background. Any person initially certified as a paid mediator  
2298 by the division must, in order to continue to be certified,  
2299 comply with the factors or requirements adopted by rule.

2300 (n)~~(m)~~ If a complaint is made, the division must conduct  
2301 its inquiry with due regard for the interests of the affected  
2302 parties. Within 30 days after receipt of a complaint, the  
2303 division shall acknowledge the complaint in writing and notify  
2304 the complainant whether the complaint is within the jurisdiction  
2305 of the division and whether additional information is needed by  
2306 the division from the complainant. The division shall conduct  
2307 its investigation and, within 90 days after receipt of the  
2308 original complaint or of timely requested additional  
2309 information, take action upon the complaint. However, the  
2310 failure to complete the investigation within 90 days does not  
2311 prevent the division from continuing the investigation,  
2312 accepting or considering evidence obtained or received after 90  
2313 days, or taking administrative action if reasonable cause exists  
2314 to believe that a violation of this chapter or a rule has  
2315 occurred. If an investigation is not completed within the time

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2316 limits established in this paragraph, the division shall, on a  
2317 monthly basis, notify the complainant in writing of the status  
2318 of the investigation. When reporting its action to the  
2319 complainant, the division shall inform the complainant of any  
2320 right to a hearing under ss. 120.569 and 120.57. The division  
2321 may adopt rules regarding the submission of a complaint against  
2322 an association.

2323 (o) ~~(n)~~ Condominium association directors, officers, and  
2324 employees; condominium developers; bulk assignees, bulk buyers,  
2325 and community association managers; and community association  
2326 management firms have an ongoing duty to reasonably cooperate  
2327 with the division in any investigation under this section. The  
2328 division shall refer to local law enforcement authorities any  
2329 person whom the division believes has altered, destroyed,  
2330 concealed, or removed any record, document, or thing required to  
2331 be kept or maintained by this chapter with the purpose to impair  
2332 its verity or availability in the department's investigation.  
2333 The division shall refer to local law enforcement authorities  
2334 any person whom the division believes has engaged in fraud,  
2335 theft, embezzlement, or other criminal activity or when the  
2336 division has cause to believe that fraud, theft, embezzlement,  
2337 or other criminal activity has occurred.

2338 (p) The division director or any officer or employee of  
2339 the division and the condominium ombudsman or any employee of  
2340 the Office of the Condominium Ombudsman may attend and observe

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2341 any meeting of the board of administration or any unit owner  
2342 meeting, including any meeting of a subcommittee or special  
2343 committee, which is open to members of the association for the  
2344 purpose of performing the duties of the division or the Office  
2345 of the Condominium Ombudsman under this chapter.

2346 ~~(g)(e)~~ The division may:

- 2347 1. Contract with agencies in this state or other  
2348 jurisdictions to perform investigative functions; or  
2349 2. Accept grants-in-aid from any source.

2350 ~~(r)(p)~~ The division shall cooperate with similar agencies  
2351 in other jurisdictions to establish uniform filing procedures  
2352 and forms, public offering statements, advertising standards,  
2353 and rules and common administrative practices.

2354 ~~(s)(q)~~ The division shall consider notice to a developer,  
2355 bulk assignee, or bulk buyer to be complete when it is delivered  
2356 to the address of the developer, bulk assignee, or bulk buyer  
2357 currently on file with the division.

2358 ~~(t)(r)~~ In addition to its enforcement authority, the  
2359 division may issue a notice to show cause, which must provide  
2360 for a hearing, upon written request, in accordance with chapter  
2361 120.

2362 (u) If the division receives a complaint regarding access  
2363 to official records on the association's website or through an  
2364 application that can be downloaded on a mobile device under s.  
2365 718.111(12)(g), the division may request access to the

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2366 association's website or application and investigate. The  
2367 division may adopt rules to carry out this paragraph.

2368 (v)-(s) The division shall submit to the Governor, the  
2369 President of the Senate, the Speaker of the House of  
2370 Representatives, and the chairs of the legislative  
2371 appropriations committees an annual report that includes, but  
2372 need not be limited to, the number of training programs provided  
2373 for condominium association board members and unit owners, the  
2374 number of complaints received by type, the number and percent of  
2375 complaints acknowledged in writing within 30 days and the number  
2376 and percent of investigations acted upon within 90 days in  
2377 accordance with paragraph (n) ~~(m)~~, and the number of  
2378 investigations exceeding the 90-day requirement. The annual  
2379 report must also include an evaluation of the division's core  
2380 business processes and make recommendations for improvements,  
2381 including statutory changes. After December 31, 2024, the  
2382 division must include a list of the associations that have  
2383 completed the structural integrity reserve study required under  
2384 s. 718.112(2)(g). The report shall be submitted by September 30  
2385 following the end of the fiscal year.

2386 (2) (a) Each condominium association that ~~which~~ operates  
2387 more than two units shall pay to the division an annual fee in  
2388 the amount of \$4 for each residential unit in condominiums  
2389 operated by the association. If the fee is not paid by March 1,  
2390 the association shall be assessed a penalty of 10 percent of the

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2391 amount due, and the association will not have standing to  
2392 maintain or defend any action in the courts of this state until  
2393 the amount due, plus any penalty, is paid.

2394 (b) All fees shall be deposited in the Division of Florida  
2395 Condominiums, Timeshares, and Mobile Homes Trust Fund as  
2396 provided by law.

2397 (c) On the certification form provided by the division,  
2398 the directors of the association shall certify that each  
2399 director of the association has completed the written  
2400 certification and educational certificate requirements in s.  
2401 718.112(2)(d)4.b. This certification requirement does not apply  
2402 to the directors of an association governing a timeshare  
2403 condominium.

2404 Section 22. Subsection (2) of section 718.5011, Florida  
2405 Statutes, is amended to read:

2406 718.5011 Ombudsman; appointment; administration.—

2407 (2) The secretary of the Department of Business and  
2408 Professional Regulation ~~Governor~~ shall appoint the ombudsman.  
2409 The ombudsman ~~must be an attorney admitted to practice before~~  
2410 ~~the Florida Supreme Court and~~ shall serve at the pleasure of the  
2411 Governor. A vacancy in the office shall be filled in the same  
2412 manner as the original appointment. An officer or full-time  
2413 employee of the ombudsman's office may not actively engage in  
2414 any other business or profession that directly or indirectly  
2415 relates to or conflicts with his or her work in the ombudsman's

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2416 office; serve as the representative of any political party,  
2417 executive committee, or other governing body of a political  
2418 party; serve as an executive, officer, or employee of a  
2419 political party; receive remuneration for activities on behalf  
2420 of any candidate for public office; or engage in soliciting  
2421 votes or other activities on behalf of a candidate for public  
2422 office. The ombudsman or any employee of his or her office may  
2423 not become a candidate for election to public office unless he  
2424 or she first resigns from his or her office or employment.

2425 Section 23. Effective October 1, 2024, paragraphs (a) and  
2426 (d) of subsection (2) and subsection (3) of section 718.503,  
2427 Florida Statutes, are amended to read:

2428 718.503 Developer disclosure prior to sale; nondeveloper  
2429 unit owner disclosure prior to sale; voidability.—

2430 (2) NONDEVELOPER DISCLOSURE.—

2431 (a) Each unit owner who is not a developer as defined by  
2432 this chapter must comply with this subsection before the sale of  
2433 his or her unit. Each prospective purchaser who has entered into  
2434 a contract for the purchase of a condominium unit is entitled,  
2435 at the seller's expense, to a current copy of all of the  
2436 following:

- 2437 1. The declaration of condominium.
- 2438 2. Articles of incorporation of the association.
- 2439 3. Bylaws and rules of the association.

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2440 4. An annual financial statement and annual budget of the  
2441 condominium association ~~Financial information required by s.~~  
2442 ~~718.111.~~

2443 5. A copy of the inspector-prepared summary of the  
2444 milestone inspection report as described in s. 553.899, if  
2445 applicable.

2446 6. The association's most recent structural integrity  
2447 reserve study or a statement that the association has not  
2448 completed a structural integrity reserve study.

2449 7. A copy of the inspection report described in s.  
2450 718.301(4) (p) and (q) for a turnover inspection performed on or  
2451 after July 1, 2023.

2452 8. The document entitled "Frequently Asked Questions and  
2453 Answers" required by s. 718.504.

2454 (d) Each contract entered into after July 1, 1992, for the  
2455 resale of a residential unit shall contain in conspicuous type  
2456 either:

2457 1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES  
2458 THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE DECLARATION  
2459 OF CONDOMINIUM, ARTICLES OF INCORPORATION OF THE ASSOCIATION,  
2460 BYLAWS AND RULES OF THE ASSOCIATION, ~~AND~~ A COPY OF THE MOST  
2461 RECENT ANNUAL FINANCIAL STATEMENT AND ANNUAL BUDGET, AND A COPY  
2462 OF THE MOST RECENT YEAR-END FINANCIAL INFORMATION AND FREQUENTLY  
2463 ASKED QUESTIONS AND ANSWERS DOCUMENT MORE THAN 3 DAYS, EXCLUDING

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2464 SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, PRIOR TO EXECUTION OF  
2465 THIS CONTRACT; or

2466 2. A clause which states: THIS AGREEMENT IS VOIDABLE BY  
2467 BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO  
2468 CANCEL WITHIN 3 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL  
2469 HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE  
2470 BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE DECLARATION  
2471 OF CONDOMINIUM, ARTICLES OF INCORPORATION, BYLAWS AND RULES OF  
2472 THE ASSOCIATION, A COPY OF THE MOST RECENT ANNUAL FINANCIAL  
2473 STATEMENT AND ANNUAL BUDGET, AND A COPY OF THE MOST RECENT YEAR-  
2474 END FINANCIAL INFORMATION AND FREQUENTLY ASKED QUESTIONS AND  
2475 ANSWERS DOCUMENT IF SO REQUESTED IN WRITING. ANY PURPORTED  
2476 WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER  
2477 MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 3  
2478 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER  
2479 THE BUYER RECEIVES THE DECLARATION, ARTICLES OF INCORPORATION,  
2480 BYLAWS AND RULES OF THE ASSOCIATION, AND A COPY OF THE MOST  
2481 RECENT YEAR-END FINANCIAL INFORMATION AND FREQUENTLY ASKED  
2482 QUESTIONS AND ANSWERS DOCUMENT IF REQUESTED IN WRITING. BUYER'S  
2483 RIGHT TO VOID THIS AGREEMENT SHALL TERMINATE AT CLOSING.

2484

2485 A contract that does not conform to the requirements of this  
2486 paragraph is voidable at the option of the purchaser prior to  
2487 closing.

2488 (3) OTHER DISCLOSURES ~~DISCLOSURE~~.—

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2489 (a) If residential condominium parcels are offered for  
2490 sale or lease prior to completion of construction of the units  
2491 and of improvements to the common elements, or prior to  
2492 completion of remodeling of previously occupied buildings, the  
2493 developer must ~~shall~~ make available to each prospective  
2494 purchaser or lessee, for his or her inspection at a place  
2495 convenient to the site, a copy of the complete plans and  
2496 specifications for the construction or remodeling of the unit  
2497 offered to him or her and of the improvements to the common  
2498 elements appurtenant to the unit.

2499 (b) Sales brochures, if any, must ~~shall~~ be provided to  
2500 each purchaser, and the following caveat in conspicuous type  
2501 must ~~shall~~ be placed on the inside front cover or on the first  
2502 page containing text material of the sales brochure, or  
2503 otherwise conspicuously displayed: "ORAL REPRESENTATIONS CANNOT  
2504 BE RELIED UPON AS CORRECTLY STATING REPRESENTATIONS OF THE  
2505 DEVELOPER. FOR CORRECT REPRESENTATIONS, MAKE REFERENCE TO THIS  
2506 BROCHURE AND TO THE DOCUMENTS REQUIRED BY SECTION 718.503,  
2507 FLORIDA STATUTES, TO BE FURNISHED BY A DEVELOPER TO A BUYER OR  
2508 LESSEE." If timeshare estates have been or may be created with  
2509 respect to any unit in the condominium, the sales brochure must  
2510 ~~shall~~ contain the following statement in conspicuous type:  
2511 "UNITS IN THIS CONDOMINIUM ARE SUBJECT TO TIMESHARE ESTATES."

2512 (c) If a unit is located within a condominium that is  
2513 created within a portion of a building or within a multiple

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2514 parcel building, the developer or nondeveloper unit owner must  
2515 provide the disclosures required by s. 718.407(5).

2516 Section 24. Effective October 1, 2024, section 718.504,  
2517 Florida Statutes, is amended to read:

2518 718.504 Prospectus or offering circular.—Every developer  
2519 of a residential condominium which contains more than 20  
2520 residential units, or which is part of a group of residential  
2521 condominiums which will be served by property to be used in  
2522 common by unit owners of more than 20 residential units, shall  
2523 prepare a prospectus or offering circular and file it with the  
2524 Division of Florida Condominiums, Timeshares, and Mobile Homes  
2525 prior to entering into an enforceable contract of purchase and  
2526 sale of any unit or lease of a unit for more than 5 years and  
2527 shall furnish a copy of the prospectus or offering circular to  
2528 each buyer. In addition to the prospectus or offering circular,  
2529 each buyer shall be furnished a separate page entitled  
2530 "Frequently Asked Questions and Answers," which shall be in  
2531 accordance with a format approved by the division and a copy of  
2532 the financial information required by s. 718.111. This page  
2533 shall, in readable language, inform prospective purchasers  
2534 regarding their voting rights and unit use restrictions,  
2535 including restrictions on the leasing of a unit; shall indicate  
2536 whether and in what amount the unit owners or the association is  
2537 obligated to pay rent or land use fees for recreational or other  
2538 commonly used facilities; shall contain a statement identifying

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2539 that amount of assessment which, pursuant to the budget, would  
2540 be levied upon each unit type, exclusive of any special  
2541 assessments, and which shall further identify the basis upon  
2542 which assessments are levied, whether monthly, quarterly, or  
2543 otherwise; shall state and identify any court cases in which the  
2544 association is currently a party of record in which the  
2545 association may face liability in excess of \$100,000; shall  
2546 state whether the condominium is created within a portion of a  
2547 building or within a multiple parcel building; and which shall  
2548 further state whether membership in a recreational facilities  
2549 association is mandatory, and if so, shall identify the fees  
2550 currently charged per unit type. The division shall by rule  
2551 require such other disclosure as in its judgment will assist  
2552 prospective purchasers. The prospectus or offering circular may  
2553 include more than one condominium, although not all such units  
2554 are being offered for sale as of the date of the prospectus or  
2555 offering circular. The prospectus or offering circular must  
2556 contain the following information:

2557 (1) The front cover or the first page must contain only:

2558 (a) The name of the condominium.

2559 (b) The following statements in conspicuous type:

2560 1. THIS PROSPECTUS (OFFERING CIRCULAR) CONTAINS IMPORTANT  
2561 MATTERS TO BE CONSIDERED IN ACQUIRING A CONDOMINIUM UNIT.

2562 2. THE STATEMENTS CONTAINED HEREIN ARE ONLY SUMMARY IN  
2563 NATURE. A PROSPECTIVE PURCHASER SHOULD REFER TO ALL REFERENCES,

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2564 ALL EXHIBITS HERETO, THE CONTRACT DOCUMENTS, AND SALES  
2565 MATERIALS.

2566 3. ORAL REPRESENTATIONS CANNOT BE RELIED UPON AS CORRECTLY  
2567 STATING THE REPRESENTATIONS OF THE DEVELOPER. REFER TO THIS  
2568 PROSPECTUS (OFFERING CIRCULAR) AND ITS EXHIBITS FOR CORRECT  
2569 REPRESENTATIONS.

2570 (2) Summary: The next page must contain all statements  
2571 required to be in conspicuous type in the prospectus or offering  
2572 circular.

2573 (3) A separate index of the contents and exhibits of the  
2574 prospectus.

2575 (4) Beginning on the first page of the text (not including  
2576 the summary and index), a description of the condominium,  
2577 including, but not limited to, the following information:

2578 (a) Its name and location.

2579 (b) A description of the condominium property, including,  
2580 without limitation:

2581 1. The number of buildings, the number of units in each  
2582 building, the number of bathrooms and bedrooms in each unit, and  
2583 the total number of units, if the condominium is not a phase  
2584 condominium, or the maximum number of buildings that may be  
2585 contained within the condominium, the minimum and maximum  
2586 numbers of units in each building, the minimum and maximum  
2587 numbers of bathrooms and bedrooms that may be contained in each  
2588 unit, and the maximum number of units that may be contained

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2589 within the condominium, if the condominium is a phase  
2590 condominium.

2591 2. The page in the condominium documents where a copy of  
2592 the plot plan and survey of the condominium is located.

2593 3. The estimated latest date of completion of  
2594 constructing, finishing, and equipping. In lieu of a date, the  
2595 description shall include a statement that the estimated date of  
2596 completion of the condominium is in the purchase agreement and a  
2597 reference to the article or paragraph containing that  
2598 information.

2599 (c) The maximum number of units that will use facilities  
2600 in common with the condominium. If the maximum number of units  
2601 will vary, a description of the basis for variation and the  
2602 minimum amount of dollars per unit to be spent for additional  
2603 recreational facilities or enlargement of such facilities. If  
2604 the addition or enlargement of facilities will result in a  
2605 material increase of a unit owner's maintenance expense or  
2606 rental expense, if any, the maximum increase and limitations  
2607 thereon shall be stated.

2608 (5) (a) A statement in conspicuous type describing whether  
2609 the condominium is created and being sold as fee simple  
2610 interests or as leasehold interests. If the condominium is  
2611 created or being sold on a leasehold, the location of the lease  
2612 in the disclosure materials shall be stated.

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2613 (b) If timeshare estates are or may be created with  
2614 respect to any unit in the condominium, a statement in  
2615 conspicuous type stating that timeshare estates are created and  
2616 being sold in units in the condominium.

2617 (6) A description of the recreational and other commonly  
2618 used facilities that will be used only by unit owners of the  
2619 condominium, including, but not limited to, the following:

2620 (a) Each room and its intended purposes, location,  
2621 approximate floor area, and capacity in numbers of people.

2622 (b) Each swimming pool, as to its general location,  
2623 approximate size and depths, approximate deck size and capacity,  
2624 and whether heated.

2625 (c) Additional facilities, as to the number of each  
2626 facility, its approximate location, approximate size, and  
2627 approximate capacity.

2628 (d) A general description of the items of personal  
2629 property and the approximate number of each item of personal  
2630 property that the developer is committing to furnish for each  
2631 room or other facility or, in the alternative, a representation  
2632 as to the minimum amount of expenditure that will be made to  
2633 purchase the personal property for the facility.

2634 (e) The estimated date when each room or other facility  
2635 will be available for use by the unit owners.

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2636 (f)1. An identification of each room or other facility to  
2637 be used by unit owners that will not be owned by the unit owners  
2638 or the association;

2639 2. A reference to the location in the disclosure materials  
2640 of the lease or other agreements providing for the use of those  
2641 facilities; and

2642 3. A description of the terms of the lease or other  
2643 agreements, including the length of the term; the rent payable,  
2644 directly or indirectly, by each unit owner, and the total rent  
2645 payable to the lessor, stated in monthly and annual amounts for  
2646 the entire term of the lease; and a description of any option to  
2647 purchase the property leased under any such lease, including the  
2648 time the option may be exercised, the purchase price or how it  
2649 is to be determined, the manner of payment, and whether the  
2650 option may be exercised for a unit owner's share or only as to  
2651 the entire leased property.

2652 (g) A statement as to whether the developer may provide  
2653 additional facilities not described above; their general  
2654 locations and types; improvements or changes that may be made;  
2655 the approximate dollar amount to be expended; and the maximum  
2656 additional common expense or cost to the individual unit owners  
2657 that may be charged during the first annual period of operation  
2658 of the modified or added facilities.

2659

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2660 Descriptions as to locations, areas, capacities, numbers,  
2661 volumes, or sizes may be stated as approximations or minimums.

2662 (7) A description of the recreational and other facilities  
2663 that will be used in common with other condominiums, community  
2664 associations, or planned developments which require the payment  
2665 of the maintenance and expenses of such facilities, directly or  
2666 indirectly, by the unit owners. The description shall include,  
2667 but not be limited to, the following:

2668 (a) Each building and facility committed to be built and a  
2669 summary description of the structural integrity of each building  
2670 for which reserves are required pursuant to s. 718.112(2)(g).

2671 (b) Facilities not committed to be built except under  
2672 certain conditions, and a statement of those conditions or  
2673 contingencies.

2674 (c) As to each facility committed to be built, or which  
2675 will be committed to be built upon the happening of one of the  
2676 conditions in paragraph (b), a statement of whether it will be  
2677 owned by the unit owners having the use thereof or by an  
2678 association or other entity which will be controlled by them, or  
2679 others, and the location in the exhibits of the lease or other  
2680 document providing for use of those facilities.

2681 (d) The year in which each facility will be available for  
2682 use by the unit owners or, in the alternative, the maximum  
2683 number of unit owners in the project at the time each of all of  
2684 the facilities is committed to be completed.

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2685 (e) A general description of the items of personal  
2686 property, and the approximate number of each item of personal  
2687 property, that the developer is committing to furnish for each  
2688 room or other facility or, in the alternative, a representation  
2689 as to the minimum amount of expenditure that will be made to  
2690 purchase the personal property for the facility.

2691 (f) If there are leases, a description thereof, including  
2692 the length of the term, the rent payable, and a description of  
2693 any option to purchase.

2694  
2695 Descriptions shall include location, areas, capacities, numbers,  
2696 volumes, or sizes and may be stated as approximations or  
2697 minimums.

2698 (8) Recreation lease or associated club membership:

2699 (a) If any recreational facilities or other facilities  
2700 offered by the developer and available to, or to be used by,  
2701 unit owners are to be leased or have club membership associated,  
2702 the following statement in conspicuous type shall be included:  
2703 "THERE IS A RECREATIONAL FACILITIES LEASE ASSOCIATED WITH THIS  
2704 CONDOMINIUM; or, THERE IS A CLUB MEMBERSHIP ASSOCIATED WITH THIS  
2705 CONDOMINIUM." There shall be a reference to the location in the  
2706 disclosure materials where the recreation lease or club  
2707 membership is described in detail.

2708 (b) If it is mandatory that unit owners pay a fee, rent,  
2709 dues, or other charges under a recreational facilities lease or

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2710 club membership for the use of facilities, there shall be in  
2711 conspicuous type the applicable statement:

2712 1. MEMBERSHIP IN THE RECREATIONAL FACILITIES CLUB IS  
2713 MANDATORY FOR UNIT OWNERS; or

2714 2. UNIT OWNERS ARE REQUIRED, AS A CONDITION OF OWNERSHIP,  
2715 TO BE LESSEES UNDER THE RECREATIONAL FACILITIES LEASE; or

2716 3. UNIT OWNERS ARE REQUIRED TO PAY THEIR SHARE OF THE  
2717 COSTS AND EXPENSES OF MAINTENANCE, MANAGEMENT, UPKEEP,  
2718 REPLACEMENT, RENT, AND FEES UNDER THE RECREATIONAL FACILITIES  
2719 LEASE (OR THE OTHER INSTRUMENTS PROVIDING THE FACILITIES); or

2720 4. A similar statement of the nature of the organization  
2721 or the manner in which the use rights are created, and that unit  
2722 owners are required to pay.

2723  
2724 Immediately following the applicable statement, the location in  
2725 the disclosure materials where the development is described in  
2726 detail shall be stated.

2727 (c) If the developer, or any other person other than the  
2728 unit owners and other persons having use rights in the  
2729 facilities, reserves, or is entitled to receive, any rent, fee,  
2730 or other payment for the use of the facilities, then there shall  
2731 be the following statement in conspicuous type: "THE UNIT OWNERS  
2732 OR THE ASSOCIATION(S) MUST PAY RENT OR LAND USE FEES FOR  
2733 RECREATIONAL OR OTHER COMMONLY USED FACILITIES." Immediately  
2734 following this statement, the location in the disclosure

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2735 materials where the rent or land use fees are described in  
2736 detail shall be stated.

2737 (d) If, in any recreation format, whether leasehold, club,  
2738 or other, any person other than the association has the right to  
2739 a lien on the units to secure the payment of assessments, rent,  
2740 or other exactions, there shall appear a statement in  
2741 conspicuous type in substantially the following form:

2742 1. THERE IS A LIEN OR LIEN RIGHT AGAINST EACH  
2743 UNIT TO SECURE THE PAYMENT OF RENT AND OTHER EXACTIONS  
2744 UNDER THE RECREATION LEASE. THE UNIT OWNER'S FAILURE  
2745 TO MAKE THESE PAYMENTS MAY RESULT IN FORECLOSURE OF  
2746 THE LIEN; or

2747 2. THERE IS A LIEN OR LIEN RIGHT AGAINST EACH  
2748 UNIT TO SECURE THE PAYMENT OF ASSESSMENTS OR OTHER  
2749 EXACTIONS COMING DUE FOR THE USE, MAINTENANCE, UPKEEP,  
2750 OR REPAIR OF THE RECREATIONAL OR COMMONLY USED  
2751 FACILITIES. THE UNIT OWNER'S FAILURE TO MAKE THESE  
2752 PAYMENTS MAY RESULT IN FORECLOSURE OF THE LIEN.

2753  
2754 Immediately following the applicable statement, the location in  
2755 the disclosure materials where the lien or lien right is  
2756 described in detail shall be stated.

2757 (9) If the developer or any other person has the right to  
2758 increase or add to the recreational facilities at any time after  
2759 the establishment of the condominium whose unit owners have use

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2760 rights therein, without the consent of the unit owners or  
2761 associations being required, there shall appear a statement in  
2762 conspicuous type in substantially the following form:

2763 "RECREATIONAL FACILITIES MAY BE EXPANDED OR ADDED WITHOUT  
2764 CONSENT OF UNIT OWNERS OR THE ASSOCIATION(S)." Immediately  
2765 following this statement, the location in the disclosure  
2766 materials where such reserved rights are described shall be  
2767 stated.

2768 (10) A statement of whether the developer's plan includes  
2769 a program of leasing units rather than selling them, or leasing  
2770 units and selling them subject to such leases. If so, there  
2771 shall be a description of the plan, including the number and  
2772 identification of the units and the provisions and term of the  
2773 proposed leases, and a statement in boldfaced type that: "THE  
2774 UNITS MAY BE TRANSFERRED SUBJECT TO A LEASE."

2775 (11) The arrangements for management of the association  
2776 and maintenance and operation of the condominium property and of  
2777 other property that will serve the unit owners of the  
2778 condominium property, and a description of the management  
2779 contract and all other contracts for these purposes having a  
2780 term in excess of 1 year, including the following:

- 2781 (a) The names of contracting parties.  
2782 (b) The term of the contract.  
2783 (c) The nature of the services included.

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2784 (d) The compensation, stated on a monthly and annual  
2785 basis, and provisions for increases in the compensation.

2786 (e) A reference to the volumes and pages of the  
2787 condominium documents and of the exhibits containing copies of  
2788 such contracts.

2789  
2790 Copies of all described contracts shall be attached as exhibits.  
2791 If there is a contract for the management of the condominium  
2792 property, then a statement in conspicuous type in substantially  
2793 the following form shall appear, identifying the proposed or  
2794 existing contract manager: "THERE IS (IS TO BE) A CONTRACT FOR  
2795 THE MANAGEMENT OF THE CONDOMINIUM PROPERTY WITH (NAME OF THE  
2796 CONTRACT MANAGER)." Immediately following this statement, the  
2797 location in the disclosure materials of the contract for  
2798 management of the condominium property shall be stated.

2799 (12) If the developer or any other person or persons other  
2800 than the unit owners has the right to retain control of the  
2801 board of administration of the association for a period of time  
2802 which can exceed 1 year after the closing of the sale of a  
2803 majority of the units in that condominium to persons other than  
2804 successors or alternate developers, then a statement in  
2805 conspicuous type in substantially the following form shall be  
2806 included: "THE DEVELOPER (OR OTHER PERSON) HAS THE RIGHT TO  
2807 RETAIN CONTROL OF THE ASSOCIATION AFTER A MAJORITY OF THE UNITS  
2808 HAVE BEEN SOLD." Immediately following this statement, the

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2809 location in the disclosure materials where this right to control  
2810 is described in detail shall be stated.

2811 (13) If there are any restrictions upon the sale,  
2812 transfer, conveyance, or leasing of a unit, then a statement in  
2813 conspicuous type in substantially the following form shall be  
2814 included: "THE SALE, LEASE, OR TRANSFER OF UNITS IS RESTRICTED  
2815 OR CONTROLLED." Immediately following this statement, the  
2816 location in the disclosure materials where the restriction,  
2817 limitation, or control on the sale, lease, or transfer of units  
2818 is described in detail shall be stated.

2819 (14) If the condominium is part of a phase project, the  
2820 following information shall be stated:

2821 (a) A statement in conspicuous type in substantially the  
2822 following form: "THIS IS A PHASE CONDOMINIUM. ADDITIONAL LAND  
2823 AND UNITS MAY BE ADDED TO THIS CONDOMINIUM." Immediately  
2824 following this statement, the location in the disclosure  
2825 materials where the phasing is described shall be stated.

2826 (b) A summary of the provisions of the declaration which  
2827 provide for the phasing.

2828 (c) A statement as to whether or not residential buildings  
2829 and units which are added to the condominium may be  
2830 substantially different from the residential buildings and units  
2831 originally in the condominium. If the added residential  
2832 buildings and units may be substantially different, there shall  
2833 be a general description of the extent to which such added

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2834 residential buildings and units may differ, and a statement in  
2835 conspicuous type in substantially the following form shall be  
2836 included: "BUILDINGS AND UNITS WHICH ARE ADDED TO THE  
2837 CONDOMINIUM MAY BE SUBSTANTIALLY DIFFERENT FROM THE OTHER  
2838 BUILDINGS AND UNITS IN THE CONDOMINIUM." Immediately following  
2839 this statement, the location in the disclosure materials where  
2840 the extent to which added residential buildings and units may  
2841 substantially differ is described shall be stated.

2842 (d) A statement of the maximum number of buildings  
2843 containing units, the maximum and minimum numbers of units in  
2844 each building, the maximum number of units, and the minimum and  
2845 maximum square footage of the units that may be contained within  
2846 each parcel of land which may be added to the condominium.

2847 (15) If a condominium created on or after July 1, 2000, is  
2848 or may become part of a multicondominium, the following  
2849 information must be provided:

2850 (a) A statement in conspicuous type in substantially the  
2851 following form: "THIS CONDOMINIUM IS (MAY BE) PART OF A  
2852 MULTICONDOMINIUM DEVELOPMENT IN WHICH OTHER CONDOMINIUMS WILL  
2853 (MAY) BE OPERATED BY THE SAME ASSOCIATION." Immediately  
2854 following this statement, the location in the prospectus or  
2855 offering circular and its exhibits where the multicondominium  
2856 aspects of the offering are described must be stated.

2857 (b) A summary of the provisions in the declaration,  
2858 articles of incorporation, and bylaws which establish and

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2859 provide for the operation of the multicondominium, including a  
2860 statement as to whether unit owners in the condominium will have  
2861 the right to use recreational or other facilities located or  
2862 planned to be located in other condominiums operated by the same  
2863 association, and the manner of sharing the common expenses  
2864 related to such facilities.

2865 (c) A statement of the minimum and maximum number of  
2866 condominiums, and the minimum and maximum number of units in  
2867 each of those condominiums, which will or may be operated by the  
2868 association, and the latest date by which the exact number will  
2869 be finally determined.

2870 (d) A statement as to whether any of the condominiums in  
2871 the multicondominium may include units intended to be used for  
2872 nonresidential purposes and the purpose or purposes permitted  
2873 for such use.

2874 (e) A general description of the location and approximate  
2875 acreage of any land on which any additional condominiums to be  
2876 operated by the association may be located.

2877 (16) If the condominium is created by conversion of  
2878 existing improvements, the following information shall be  
2879 stated:

2880 (a) The information required by s. 718.616.

2881 (b) A caveat that there are no express warranties unless  
2882 they are stated in writing by the developer.

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2883 (17) A summary of the restrictions, if any, to be imposed  
2884 on units concerning the use of any of the condominium property,  
2885 including statements as to whether there are restrictions upon  
2886 children and pets, and reference to the volumes and pages of the  
2887 condominium documents where such restrictions are found, or if  
2888 such restrictions are contained elsewhere, then a copy of the  
2889 documents containing the restrictions shall be attached as an  
2890 exhibit.

2891 (18) If there is any land that is offered by the developer  
2892 for use by the unit owners and that is neither owned by them nor  
2893 leased to them, the association, or any entity controlled by  
2894 unit owners and other persons having the use rights to such  
2895 land, a statement shall be made as to how such land will serve  
2896 the condominium. If any part of such land will serve the  
2897 condominium, the statement shall describe the land and the  
2898 nature and term of service, and the declaration or other  
2899 instrument creating such servitude shall be included as an  
2900 exhibit.

2901 (19) The manner in which utility and other services,  
2902 including, but not limited to, sewage and waste disposal, water  
2903 supply, and storm drainage, will be provided and the person or  
2904 entity furnishing them.

2905 (20) An explanation of the manner in which the  
2906 apportionment of common expenses and ownership of the common  
2907 elements has been determined.

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2908 (21) An estimated operating budget for the condominium and  
2909 the association, and a schedule of the unit owner's expenses  
2910 shall be attached as an exhibit and shall contain the following  
2911 information:

2912 (a) The estimated monthly and annual expenses of the  
2913 condominium and the association that are collected from unit  
2914 owners by assessments.

2915 (b) The estimated monthly and annual expenses of each unit  
2916 owner for a unit, other than common expenses paid by all unit  
2917 owners, payable by the unit owner to persons or entities other  
2918 than the association, as well as to the association, including  
2919 fees assessed pursuant to s. 718.113(1) for maintenance of  
2920 limited common elements where such costs are shared only by  
2921 those entitled to use the limited common element, and the total  
2922 estimated monthly and annual expense. There may be excluded from  
2923 this estimate expenses which are not provided for or  
2924 contemplated by the condominium documents, including, but not  
2925 limited to, the costs of private telephone; maintenance of the  
2926 interior of condominium units, which is not the obligation of  
2927 the association; maid or janitorial services privately  
2928 contracted for by the unit owners; utility bills billed directly  
2929 to each unit owner for utility services to his or her unit;  
2930 insurance premiums other than those incurred for policies  
2931 obtained by the condominium; and similar personal expenses of  
2932 the unit owner. A unit owner's estimated payments for

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2933 assessments shall also be stated in the estimated amounts for  
2934 the times when they will be due.

2935 (c) The estimated items of expenses of the condominium and  
2936 the association, except as excluded under paragraph (b),  
2937 including, but not limited to, the following items, which shall  
2938 be stated as an association expense collectible by assessments  
2939 or as unit owners' expenses payable to persons other than the  
2940 association:

2941 1. Expenses for the association and condominium:

2942 a. Administration of the association.

2943 b. Management fees.

2944 c. Maintenance.

2945 d. Rent for recreational and other commonly used  
2946 facilities.

2947 e. Taxes upon association property.

2948 f. Taxes upon leased areas.

2949 g. Insurance.

2950 h. Security provisions.

2951 i. Other expenses.

2952 j. Operating capital.

2953 k. Reserves for all applicable items referenced in s.

2954 718.112(2)(g).

2955 1. Fees payable to the division.

2956 2. Expenses for a unit owner:

2957 a. Rent for the unit, if subject to a lease.

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2958           b. Rent payable by the unit owner directly to the lessor  
2959 or agent under any recreational lease or lease for the use of  
2960 commonly used facilities, which use and payment is a mandatory  
2961 condition of ownership and is not included in the common expense  
2962 or assessments for common maintenance paid by the unit owners to  
2963 the association.

2964           (d) The following statement in conspicuous type:

2965  
2966           THE BUDGET CONTAINED IN THIS OFFERING CIRCULAR HAS  
2967 BEEN PREPARED IN ACCORDANCE WITH THE CONDOMINIUM ACT  
2968 AND IS A GOOD FAITH ESTIMATE ONLY AND REPRESENTS AN  
2969 APPROXIMATION OF FUTURE EXPENSES BASED ON FACTS AND  
2970 CIRCUMSTANCES EXISTING AT THE TIME OF ITS PREPARATION.  
2971 ACTUAL COSTS OF SUCH ITEMS MAY EXCEED THE ESTIMATED  
2972 COSTS. SUCH CHANGES IN COST DO NOT CONSTITUTE MATERIAL  
2973 ADVERSE CHANGES IN THE OFFERING.

2974  
2975           (e) Each budget for an association prepared by a developer  
2976 consistent with this subsection shall be prepared in good faith  
2977 and shall reflect accurate estimated amounts for the required  
2978 items in paragraph (c) at the time of the filing of the offering  
2979 circular with the division, and subsequent increased amounts of  
2980 any item included in the association's estimated budget that are  
2981 beyond the control of the developer shall not be considered an  
2982 amendment that would give rise to rescission rights set forth in

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2983 s. 718.503(1)(a) or (b), nor shall such increases modify, void,  
2984 or otherwise affect any guarantee of the developer contained in  
2985 the offering circular or any purchase contract. It is the intent  
2986 of this paragraph to clarify existing law.

2987 (f) The estimated amounts shall be stated for a period of  
2988 at least 12 months and may distinguish between the period prior  
2989 to the time unit owners other than the developer elect a  
2990 majority of the board of administration and the period after  
2991 that date.

2992 (22) A schedule of estimated closing expenses to be paid  
2993 by a buyer or lessee of a unit and a statement of whether title  
2994 opinion or title insurance policy is available to the buyer and,  
2995 if so, at whose expense.

2996 (23) The identity of the developer and the chief operating  
2997 officer or principal directing the creation and sale of the  
2998 condominium and a statement of its and his or her experience in  
2999 this field.

3000 (24) Copies of the following, to the extent they are  
3001 applicable, shall be included as exhibits:

3002 (a) The declaration of condominium, or the proposed  
3003 declaration if the declaration has not been recorded.

3004 (b) The articles of incorporation creating the  
3005 association.

3006 (c) The bylaws of the association.

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3007 (d) The ground lease or other underlying lease of the  
3008 condominium.

3009 (e) The management agreement and all maintenance and other  
3010 contracts for management of the association and operation of the  
3011 condominium and facilities used by the unit owners having a  
3012 service term in excess of 1 year.

3013 (f) The estimated operating budget for the condominium,  
3014 the required schedule of unit owners' expenses, and the  
3015 association's most recent structural integrity reserve study or  
3016 a statement that the association has not completed a structural  
3017 integrity reserve study.

3018 (g) A copy of the floor plan of the unit and the plot plan  
3019 showing the location of the residential buildings and the  
3020 recreation and other common areas.

3021 (h) The lease of recreational and other facilities that  
3022 will be used only by unit owners of the subject condominium.

3023 (i) The lease of facilities used by owners and others.

3024 (j) The form of unit lease, if the offer is of a  
3025 leasehold.

3026 (k) A declaration of servitude of properties serving the  
3027 condominium but not owned by unit owners or leased to them or  
3028 the association.

3029 (l) The statement of condition of the existing building or  
3030 buildings, if the offering is of units in an operation being  
3031 converted to condominium ownership.

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3032 (m) The statement of inspection for termite damage and  
3033 treatment of the existing improvements, if the condominium is a  
3034 conversion.

3035 (n) The form of agreement for sale or lease of units.

3036 (o) A copy of the agreement for escrow of payments made to  
3037 the developer prior to closing.

3038 (p) A copy of the documents containing any restrictions on  
3039 use of the property required by subsection (17).

3040 (q) A copy of the inspector-prepared summary of the  
3041 milestone inspection report as described in ss. 553.899 and  
3042 718.301(4)(p), as applicable.

3043 (25) Any prospectus or offering circular complying, prior  
3044 to the effective date of this act, with the provisions of former  
3045 ss. 711.69 and 711.802 may continue to be used without amendment  
3046 or may be amended to comply with this chapter.

3047 (26) A brief narrative description of the location and  
3048 effect of all existing and intended easements located or to be  
3049 located on the condominium property other than those described  
3050 in the declaration.

3051 (27) If the developer is required by state or local  
3052 authorities to obtain acceptance or approval of any dock or  
3053 marina facilities intended to serve the condominium, a copy of  
3054 any such acceptance or approval acquired by the time of filing  
3055 with the division under s. 718.502(1) or a statement that such  
3056 acceptance or approval has not been acquired or received.

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3057 (28) Evidence demonstrating that the developer has an  
3058 ownership, leasehold, or contractual interest in the land upon  
3059 which the condominium is to be developed.

3060 Section 25. Paragraph (k) of subsection (1) of section  
3061 719.106, Florida Statutes, is amended to read:

3062 719.106 Bylaws; cooperative ownership.—

3063 (1) MANDATORY PROVISIONS.—The bylaws or other cooperative  
3064 documents shall provide for the following, and if they do not,  
3065 they shall be deemed to include the following:

3066 (k) *Structural integrity reserve study.*—

3067 1. A residential cooperative association must have a  
3068 structural integrity reserve study completed at least every 10  
3069 years for each building on the cooperative property that is  
3070 three stories or higher in height, as determined by the Florida  
3071 Building Code, that includes, at a minimum, a study of the  
3072 following items as related to the structural integrity and  
3073 safety of the building:

3074 a. Roof.

3075 b. Structure, including load-bearing walls and other  
3076 primary structural members and primary structural systems as  
3077 those terms are defined in s. 627.706.

3078 c. Fireproofing and fire protection systems.

3079 d. Plumbing.

3080 e. Electrical systems.

3081 f. Waterproofing and exterior painting.

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3082 g. Windows and exterior doors.

3083 h. Any other item that has a deferred maintenance expense  
3084 or replacement cost that exceeds \$10,000 and the failure to  
3085 replace or maintain such item negatively affects the items  
3086 listed in sub-subparagraphs a.-g., as determined by the visual  
3087 inspection portion of the structural integrity reserve study.

3088 2. A structural integrity reserve study is based on a  
3089 visual inspection of the cooperative property. A structural  
3090 integrity reserve study may be performed by any person qualified  
3091 to perform such study. However, the visual inspection portion of  
3092 the structural integrity reserve study must be performed or  
3093 verified by an engineer licensed under chapter 471, an architect  
3094 licensed under chapter 481, or a person certified as a reserve  
3095 specialist or professional reserve analyst by the Community  
3096 Associations Institute or the Association of Professional  
3097 Reserve Analysts.

3098 3. At a minimum, a structural integrity reserve study must  
3099 identify each item of the cooperative property being visually  
3100 inspected, state the estimated remaining useful life and the  
3101 estimated replacement cost or deferred maintenance expense of  
3102 each item of the cooperative property being visually inspected,  
3103 and provide a reserve funding schedule with a recommended annual  
3104 reserve amount that achieves the estimated replacement cost or  
3105 deferred maintenance expense of each item of cooperative  
3106 property being visually inspected by the end of the estimated

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3107 remaining useful life of the item. The structural integrity  
3108 reserve study may recommend that reserves do not need to be  
3109 maintained for any item for which an estimate of useful life and  
3110 an estimate of replacement cost cannot be determined, or the  
3111 study may recommend a deferred maintenance expense amount for  
3112 such item. The structural integrity reserve study may recommend  
3113 that reserves for replacement costs do not need to be maintained  
3114 for any item with an estimated remaining useful life of greater  
3115 than 25 years, but the study may recommend a deferred  
3116 maintenance expense amount for such item.

3117 4. This paragraph does not apply to buildings less than  
3118 three stories in height; single-family, two-family, or three-  
3119 family dwellings with three or fewer habitable stories above  
3120 ground; any portion or component of a building that has not been  
3121 submitted to the cooperative form of ownership; or any portion  
3122 or component of a building that is maintained by a party other  
3123 than the association.

3124 5. Before a developer turns over control of an association  
3125 to unit owners other than the developer, the developer must have  
3126 a turnover inspection report in compliance with s. 719.301 (4) (p)  
3127 and (q) for each building on the cooperative property that is  
3128 three stories or higher in height.

3129 6. Associations existing on or before July 1, 2022, which  
3130 are controlled by unit owners other than the developer, must  
3131 have a structural integrity reserve study completed by December

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3132 31, 2024, for each building on the cooperative property that is  
3133 three stories or higher in height. An association that is  
3134 required to complete a milestone inspection on or before  
3135 December 31, 2026, in accordance with s. 553.899 may complete  
3136 the structural integrity reserve study simultaneously with the  
3137 milestone inspection. In no event may the structural integrity  
3138 reserve study be completed after December 31, 2026.

3139 7. If the milestone inspection required by s. 553.899, or  
3140 an inspection completed for a similar local requirement, was  
3141 performed within the past 5 years and meets the requirements of  
3142 this paragraph, such inspection may be used in place of the  
3143 visual inspection portion of the structural integrity reserve  
3144 study.

3145 8. If the officers or directors of an association  
3146 willfully and knowingly fail to complete a structural integrity  
3147 reserve study pursuant to this paragraph, such failure is a  
3148 breach of an officer's and director's fiduciary relationship to  
3149 the unit owners under s. 719.104(9).

3150 9. Within 45 days after receiving the structural integrity  
3151 reserve study, the association must distribute a copy of the  
3152 study to each unit owner or deliver to each unit owner a notice  
3153 that the completed study is available for inspection and copying  
3154 upon a written request. Distribution of a copy of the study or  
3155 notice must be made by United States mail or personal delivery  
3156 at the mailing address, property address, or any other address

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3157 of the owner provided to fulfill the association's notice  
3158 requirements under this chapter, or by electronic transmission  
3159 to the e-mail address or facsimile number provided to fulfill  
3160 the association's notice requirements to unit owners who  
3161 previously consented to receive notice by electronic  
3162 transmission.

3163 10. Within 45 days after receiving the structural  
3164 integrity reserve study, the association must provide the  
3165 division with a statement indicating that the study was  
3166 completed and that the association provided or made available  
3167 such study to each unit owner in accordance with this section.  
3168 Such statement must be provided to the division in the manner  
3169 established by the division using a form posted on the  
3170 division's website.

3171 Section 26. Section 719.129, Florida Statutes, is amended  
3172 to read:

3173 719.129 Electronic voting.—The association may conduct  
3174 elections and other unit owner votes through an Internet-based  
3175 online voting system if a unit owner consents, electronically or  
3176 in writing, to online voting and if the following requirements  
3177 are met:

3178 (1) The association provides each unit owner with:

3179 (a) A method to authenticate the unit owner's identity to  
3180 the online voting system.

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3181 (b) For elections of the board, a method to transmit an  
3182 electronic ballot to the online voting system that ensures the  
3183 secrecy and integrity of each ballot.

3184 (c) A method to confirm, at least 14 days before the  
3185 voting deadline, that the unit owner's electronic device can  
3186 successfully communicate with the online voting system.

3187 (2) The association uses an online voting system that is:

3188 (a) Able to authenticate the unit owner's identity.

3189 (b) Able to authenticate the validity of each electronic  
3190 vote to ensure that the vote is not altered in transit.

3191 (c) Able to transmit a receipt from the online voting  
3192 system to each unit owner who casts an electronic vote.

3193 (d) For elections of the board of administration, able to  
3194 permanently separate any authentication or identifying  
3195 information from the electronic election ballot, rendering it  
3196 impossible to tie an election ballot to a specific unit owner.

3197 (e) Able to store and keep electronic votes accessible to  
3198 election officials for recount, inspection, and review purposes.

3199 (3) A unit owner voting electronically pursuant to this  
3200 section shall be counted as being in attendance at the meeting  
3201 for purposes of determining a quorum. A substantive vote of the  
3202 unit owners may not be taken on any issue other than the issues  
3203 specifically identified in the electronic vote, when a quorum is  
3204 established based on unit owners voting electronically pursuant  
3205 to this section.

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3206 (4) This section applies to an association that provides  
3207 for and authorizes an online voting system pursuant to this  
3208 section by a board resolution. If the board authorizes online  
3209 voting, the board must honor a unit owner's request to vote  
3210 electronically at all subsequent elections, unless such unit  
3211 owner opts out of online voting. The board resolution must  
3212 provide that unit owners receive notice of the opportunity to  
3213 vote through an online voting system, must establish reasonable  
3214 procedures and deadlines for unit owners to consent,  
3215 electronically or in writing, to online voting, and must  
3216 establish reasonable procedures and deadlines for unit owners to  
3217 opt out of online voting after giving consent. Written notice of  
3218 a meeting at which the resolution will be considered must be  
3219 mailed, delivered, or electronically transmitted to the unit  
3220 owners and posted conspicuously on the condominium property or  
3221 association property at least 14 days before the meeting.  
3222 Evidence of compliance with the 14-day notice requirement must  
3223 be made by an affidavit executed by the person providing the  
3224 notice and filed with the official records of the association.

3225 (5) A unit owner's consent to online voting is valid until  
3226 the unit owner opts out of online voting pursuant to the  
3227 procedures established by the board of administration pursuant  
3228 to subsection (4).

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3229 (6) This section may apply to any matter that requires a  
3230 vote of the unit owners who are not members of a timeshare  
3231 cooperative association.

3232 Section 27. Paragraph (p) of subsection (4) of section  
3233 719.301, Florida Statutes, is amended to read:

3234 719.301 Transfer of association control.—

3235 (4) When unit owners other than the developer elect a  
3236 majority of the members of the board of administration of an  
3237 association, the developer shall relinquish control of the  
3238 association, and the unit owners shall accept control.

3239 Simultaneously, or for the purpose of paragraph (c) not more  
3240 than 90 days thereafter, the developer shall deliver to the  
3241 association, at the developer's expense, all property of the  
3242 unit owners and of the association held or controlled by the  
3243 developer, including, but not limited to, the following items,  
3244 if applicable, as to each cooperative operated by the  
3245 association:

3246 (p) Notwithstanding when the certificate of occupancy was  
3247 issued or the height of the building, a turnover inspection  
3248 report included in the official records, under seal of an  
3249 architect or engineer authorized to practice in this state or a  
3250 person certified as a reserve specialist or professional reserve  
3251 analyst by the Community Associations Institute or the  
3252 Association of Professional Reserve Analysts, consisting of a  
3253 structural integrity reserve study attesting to required

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3254 maintenance, condition, useful life, and replacement costs of  
3255 the following applicable cooperative property:

3256 1. Roof.

3257 2. Structure, including load-bearing walls and primary  
3258 structural members and primary structural systems as those terms  
3259 are defined in s. 627.706.

3260 3. Fireproofing and fire protection systems.

3261 4. Plumbing.

3262 5. Electrical systems.

3263 6. Waterproofing and exterior painting.

3264 7. Windows and exterior doors.

3265 Section 28. The Division of Florida Condominiums,  
3266 Timeshares, and Mobile Homes of the Department of Business and  
3267 Professional Regulation shall complete a review of the website  
3268 or application requirements for official records under s.  
3269 718.111(12)(g), Florida Statutes, and make recommendations  
3270 regarding any additional official records of a condominium  
3271 association that should be included in the record maintenance  
3272 requirements in the statute. The division shall submit to the  
3273 Governor, the President of the Senate, and the Speaker of the  
3274 House of Representatives the findings of its review by January  
3275 1, 2025.

3276 Section 29. By January 1, 2025, the Division of Florida  
3277 Condominiums, Timeshares, and Mobile Homes of the Department of  
3278 Business and Professional Regulation shall create a database on

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3279 its website of the associations that have reported the  
3280 completion of the structural integrity reserve study under ss.  
3281 718.112(2)(g) and 719.106(1)(k), Florida Statutes.

3282 Section 30. For the 2024-2025 fiscal year, the sums of  
3283 \$6,122,390 in recurring and \$1,293,879 in nonrecurring funds  
3284 from the General Revenue Fund are appropriated to the Department  
3285 of Business and Professional Regulation, and 65 full-time  
3286 equivalent positions with associated salary rate of 3,180,319  
3287 are authorized, for the purpose of implementing this act.

3288 Section 31. The amendments made to ss. 718.103(14) and  
3289 718.202(3) and s. 718.407(1), (2), and (6), Florida Statutes, as  
3290 created by this act, are intended to clarify existing law and  
3291 shall apply retroactively. However, such amendments do not  
3292 revive or reinstate any right or interest that has been fully  
3293 and finally adjudicated as invalid before October 1, 2024.

3294 Section 32. The Florida Building Commission shall perform  
3295 a study on standards to prevent water intrusion through the  
3296 tracks of sliding glass doors, including the consideration of  
3297 devices designed to further prevent such water intrusion. By  
3298 December 1, 2024, the Florida Building Commission must provide a  
3299 written report of its recommendations to the Governor, the  
3300 President of the Senate, the Speaker of the House of  
3301 Representatives, and the chairs of the legislative  
3302 appropriations committees and appropriate substantive committees  
3303 with jurisdiction over chapter 718, Florida Statutes.

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**D I R E C T O R Y   A M E N D M E N T**

Remove line 480 and insert:  
Section 7. Paragraph (a) of subsection (1), paragraph (h)  
of subsection (11), and subsections

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**T I T L E   A M E N D M E N T**

Remove lines 58-249 and insert:  
removed from office and a vacancy declared; requiring  
the Division of Florida Condominiums, Timeshares, and  
Mobile Homes to monitor an association's compliance  
with certain provisions, and issue fines and penalties  
if necessary, upon receipt of a complaint; revising  
the list of records that constitute the official  
records of an association; providing requirements  
relating to e-mail addresses and facsimile numbers of  
unit owners; requiring an association to redact  
certain personal information in certain documents;  
providing an exception to liability for the release of  
certain information; revising maintenance requirements  
for official records; revising requirements regarding  
requests to inspect or copy association records;  
requiring an association to provide a checklist in

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Amendment No.

3329 response to certain records requests; providing a  
3330 rebuttable presumption and criminal penalties;  
3331 requiring certain persons to be removed from office  
3332 and a vacancy declared under certain circumstances;  
3333 defining the term "repeatedly"; requiring copies of  
3334 certain building permits be posted on an association's  
3335 website or application; modifying the method of  
3336 delivery of certain financial reports to unit owners;  
3337 revising circumstances under which an association may  
3338 prepare certain reports; revising criminal penalties  
3339 for persons who unlawfully use a debit card issued in  
3340 the name of an association; requiring certain persons  
3341 to be removed from office and a vacancy declared under  
3342 certain circumstances; defining the term "lawful  
3343 obligation of the association"; revising the threshold  
3344 for associations that must post certain documents on  
3345 its website or through an application; amending s.  
3346 718.112, F.S.; requiring the boards of certain  
3347 associations to meet at least once every quarter;  
3348 requiring the meeting agenda to include an opportunity  
3349 for members to ask questions of the board a certain  
3350 number of times a year; providing that the right to  
3351 attend meetings includes the right to ask questions  
3352 relating to certain topics; revising requirements  
3353 regarding notice of such meetings; requiring a

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3354 director to complete an educational requirement within  
3355 a specified time period before or after election or  
3356 appointment to the board; providing requirements for  
3357 the educational curriculum; providing transitional  
3358 provisions; requiring a director to complete a certain  
3359 amount of continuing education each year relating to  
3360 changes in the law; requiring the secretary of the  
3361 association to maintain certain information for  
3362 inspection for a specified number of years;  
3363 authorizing members of an association to pause the  
3364 contribution to reserves or reduce reserves under  
3365 certain circumstances and for a limited time;  
3366 authorizing the board to expend reserve account funds  
3367 to make the condominium building and structures  
3368 habitable; requiring an association to distribute or  
3369 deliver copies of a structural integrity reserve study  
3370 to unit owners within a specified timeframe;  
3371 specifying the manner of distribution or delivery;  
3372 requiring an association to provide a specified  
3373 statement to the division within a specified  
3374 timeframe; revising the circumstances under which a  
3375 director or an officer must be removed from office  
3376 after being charged by information or indictment of  
3377 certain crimes; prohibiting such officers and  
3378 directors with pending criminal charges from accessing

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3379 the official records of any association; providing an  
3380 exception; providing criminal penalties for certain  
3381 fraudulent voting activities relating to association  
3382 elections; amending s. 718.113, F.S.; providing  
3383 applicability; specifying that certain actions are not  
3384 material alterations or substantial additions;  
3385 authorizing the boards of residential and mixed-use  
3386 condominiums to install or require unit owners to  
3387 install hurricane protection; requiring a vote of the  
3388 unit owners for the installation of hurricane  
3389 protection; requiring that such vote be attested to in  
3390 a certificate and recorded in certain public records;  
3391 requiring the board to provide, in various manners, to  
3392 the unit owners a copy of the recorded certificate;  
3393 providing that the validity or enforceability of a  
3394 vote is not affected if the board fails to take  
3395 certain actions; providing that a vote of the unit  
3396 owners is not required under certain circumstances;  
3397 prohibiting installation of the same type of hurricane  
3398 protection previously installed; providing exceptions;  
3399 prohibiting the boards of residential and mixed-use  
3400 condominiums from refusing to approve certain  
3401 hurricane protections; authorizing the board to  
3402 require owners to adhere to certain guidelines  
3403 regarding the external appearance of a condominium;

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3404 revising responsibility for the cost of the removal or  
3405 reinstallation of hurricane protection, including  
3406 exterior windows, doors, or apertures; prohibiting the  
3407 association from charging certain expenses to unit  
3408 owners; requiring reimbursement or a credit toward  
3409 future assessments to the unit owner in certain  
3410 circumstances; authorizing the association to collect  
3411 certain charges and specifying that such charges are  
3412 enforceable as assessments under certain  
3413 circumstances; amending s. 718.115, F.S.; specifying  
3414 when the cost of installation of hurricane protection  
3415 is not a common expense; authorizing certain expenses  
3416 to be enforceable as assessments; requiring certain  
3417 unit owners to be excused from certain assessments or  
3418 to receive a credit for hurricane protection that has  
3419 been installed; providing credit applicability under  
3420 certain circumstances; providing for the amount of  
3421 credit that a unit owner must receive; specifying that  
3422 certain expenses are common expenses; amending s.  
3423 718.121, F.S.; conforming a cross-reference; amending  
3424 s. 718.124, F.S.; providing the statute of limitations  
3425 and repose for certain actions; amending s. 718.1224,  
3426 F.S.; revising legislative findings and intent;  
3427 revising the definition of the term "governmental  
3428 entity"; prohibiting an association from filing

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3429 strategic lawsuits, taking certain actions against  
3430 unit owners, and expending funds to support certain  
3431 actions; amending s. 718.128, F.S.; providing that a  
3432 unit owner may consent to electronic voting  
3433 electronically; providing that a board must honor a  
3434 unit owner's request to vote electronically until the  
3435 owner opts out; amending s. 718.202, F.S.; providing  
3436 sales and reservation deposit requirements for  
3437 nonresidential condominiums; amending s. 718.301,  
3438 F.S.; requiring developers to deliver a structural  
3439 integrity reserve report to an association upon  
3440 relinquishing control of the association; amending s.  
3441 718.3027, F.S.; revising requirements regarding  
3442 attendance at a board meeting in the event of a  
3443 conflict of interest; modifying circumstances under  
3444 which a contract may be voided; revising a cross-  
3445 reference; amending s. 718.303, F.S.; requiring an  
3446 association to provide certain notice to a unit owner  
3447 by a specified time before an election; creating s.  
3448 718.407, F.S.; authorizing a condominium to be created  
3449 within a portion of a building or within a multiple  
3450 parcel building; specifying that the common elements  
3451 are only those portions of the building submitted to  
3452 the condominium form of ownership; providing  
3453 requirements for the declaration of such condominiums

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3454 and other certain recorded instruments; providing for  
3455 the apportionment of expenses for such condominiums;  
3456 authorizing the association to inspect and copy  
3457 certain books and records; requiring a specified  
3458 disclosure summary for contracts of sale for a unit in  
3459 certain condominiums; providing that the creation of a  
3460 multiple parcel building is not a subdivision of the  
3461 land; amending s. 718.501, F.S.; revising  
3462 circumstances under which the division has  
3463 jurisdiction to investigate and enforce complaints  
3464 relating to certain matters; requiring that the  
3465 division provide official records, without charge, to  
3466 a unit owner denied access; authorizing the division  
3467 to issue certain citations; requiring the division to  
3468 provide a division-approved training provider with the  
3469 template for the certificate issued to certain  
3470 directors of a board of administration; requiring that  
3471 the division refer suspected criminal acts to the  
3472 appropriate law enforcement authority; authorizing  
3473 certain division officials to attend association  
3474 meetings; authorizing the division to request access  
3475 to an association's website or application to  
3476 investigate complaints under certain circumstances;  
3477 requiring the division to include certain information  
3478 in its annual report to the Governor and Legislature

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3479 after a specified date; specifying requirements for  
3480 the annual certification; authorizing the division to  
3481 adopt rules; providing applicability; amending s.  
3482 718.5011, F.S.; providing that the secretary of the  
3483 Department of Business and Professional Regulation,  
3484 rather than the Governor, appoints the condominium  
3485 ombudsman; amending s. 718.503, F.S.; requiring  
3486 nondeveloper unit owners to include an annual  
3487 financial statement and annual budget in information  
3488 provided to a prospective purchaser; revising  
3489 information that must be included in contracts for the  
3490 resale of a residential unit; requiring certain  
3491 disclosures be made if a unit is located in a  
3492 specified type of condominium; amending s. 718.504,  
3493 F.S.; requiring certain information provided to  
3494 prospective purchasers to state whether the  
3495 condominium is created within a portion of a building  
3496 or within a multiple parcel building; amending s.  
3497 719.106, F.S.; requiring an association to distribute  
3498 or deliver copies of a structural integrity reserve  
3499 study to unit owners within a specified timeframe;  
3500 specifying the manner of distribution or delivery;  
3501 requiring an association to provide a specified  
3502 statement to the division within a specified  
3503 timeframe; amending s. 719.129, F.S.; providing that a

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3504 unit owner may consent electronically to electronic  
3505 voting; amending s. 719.301, F.S.; requiring  
3506 developers to deliver a structural integrity reserve  
3507 study to a cooperative association upon relinquishing  
3508 control of association property; requiring the  
3509 division to conduct a review of statutory requirements  
3510 regarding posting of official records on a condominium  
3511 association's website or application; requiring the  
3512 division to submit its findings, including any  
3513 recommendations, to the Governor and the Legislature  
3514 by a specified date; requiring the division to create  
3515 a database on its website with certain information by  
3516 a date certain; providing appropriations; providing  
3517 construction and retroactive application; requiring  
3518 the Florida Building Commission to perform a study for  
3519 specified purposes; requiring the commission to submit  
3520 a report of its recommendations to the Governor and  
3521 Legislature by a date certain;

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