

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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WITHDRAWN	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

---

1 Committee/Subcommittee hearing bill: Commerce Committee  
2 Representative Lopez, V. offered the following:

**Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

6 Section 1. Subsection (3) is added to section 468.4334,  
7 Florida Statutes, to read:

8 468.4334 Professional practice standards; liability.—

9 (3) A community association manager or a community  
10 association management firm shall return all community  
11 association official records within its possession to the  
12 community association within 20 business days after termination  
13 of a contractual agreement to provide community association  
14 management services to the community association or receipt of a  
15 written request for return of the official records, whichever  
16 occurs first. A notice of termination of a contractual agreement

Amendment No. 1

17 to provide community association management services must be  
18 sent by certified mail, return receipt requested, or in the  
19 manner required under such contractual agreement. The community  
20 association manager or community association management firm may  
21 retain, for up to 20 business days, those records necessary to  
22 complete an ending financial statement or report. If an  
23 association fails to provide access to or retention of the  
24 accounting records to prepare an ending financial statement or  
25 report, the community association manager or community  
26 association management firm is relieved from any further  
27 responsibility or liability relating to the preparation of such  
28 ending financial statement or report. Failure of a community  
29 association manager or a community association management firm  
30 to timely return all of the official records within its  
31 possession to the community association creates a rebuttable  
32 presumption that the community association manager or community  
33 association management firm willfully failed to comply with this  
34 subsection. A community association manager or a community  
35 association management firm that fails to timely return  
36 community association records is subject to suspension of its  
37 license under s. 468.436, and a civil penalty of \$1,000 per day  
38 for up to 10 business days, assessed beginning on the 21st  
39 business day after termination of a contractual agreement to  
40 provide community association management services to the  
41 community association or receipt of a written request from the

196237 - h1021-strike-all.docx

Published On: 2/21/2024 8:08:39 PM

Amendment No. 1

42 association for return of the records, whichever occurs first.  
43 However, related to a timeshare plan licensed under chapter 721,  
44 the time periods provided in s. 721.14(4)(b) are applicable.

45 Section 2. Section 468.4335, Florida Statutes, is created  
46 to read:

47 468.4335 Conflicts of interest.-

48 (1) A community association manager or a community  
49 association management firm, including directors, officers, and  
50 persons with a financial interest in a community association  
51 management firm, or a relative of such persons, must disclose to  
52 the board of a community association any activity that may  
53 reasonably be construed to be a conflict of interest. A  
54 rebuttable presumption of a conflict of interest exists if any  
55 of the following occurs without prior notice:

56 (a) A community association manager or a community  
57 association management firm, including directors, officers, and  
58 persons with a financial interest in a community association  
59 management firm, or a relative of such persons, enters into a  
60 contract for goods or services with the association.

61 (b) A community association manager or a community  
62 association management firm, including directors, officers, and  
63 persons with a financial interest in a community association  
64 management firm, or a relative of such persons, holds an  
65 interest in or receives compensation or any thing of value from  
66 a corporation, limited liability corporation, partnership,

Amendment No. 1

67 limited liability partnership, or other business entity that  
68 conducts business with the association or proposes to enter into  
69 a contract or other transaction with the association.

70 (2) If the association receives and considers a bid to  
71 provide a good or service that exceeds \$2,500, other than  
72 community association management services, from a community  
73 association manager or a community association management firm,  
74 including directors, officers, and persons with a financial  
75 interest in a community association management firm, or a  
76 relative of such persons, the association must solicit multiple  
77 bids from other third-party providers of such goods or services.

78 (3) If a community association manager or a community  
79 association management firm, including directors, officers, and  
80 persons with a financial interest in a community association  
81 management firm, or a relative of such persons, proposes to  
82 engage in an activity that is a conflict of interest as  
83 described in subsection (1), the proposed activity must be  
84 listed on, and all contracts and transactional documents related  
85 to the proposed activity must be attached to, the meeting agenda  
86 of the next board of administration meeting. The disclosures of  
87 a possible conflict of interest must be entered into the written  
88 minutes of the meeting. Approval of the contract, including a  
89 management contract between the community association and the  
90 community association manager or management firm, or other  
91 transaction requires an affirmative vote of two-thirds of all

196237 - h1021-strike-all.docx

Published On: 2/21/2024 8:08:39 PM

Amendment No. 1

92 directors present. At the next regular or special meeting of the  
93 members, the existence of the conflict of interest and the  
94 contract or other transaction must be disclosed to the members.  
95 If a community association manager or community management firm  
96 has previously disclosed a conflict of interest in an existing  
97 management contract entered into between the board of directors  
98 and the community association manager or management firm, the  
99 conflict of interest does not need to be additionally noticed  
100 and voted on during the term of the contract between the  
101 community association and the community association manager or  
102 management firm, but must be noticed and voted on in accordance  
103 with this provision upon renewal.

104 (4) If the board finds that a community association  
105 manager or a community association management firm, including  
106 directors, officers, and persons with a financial interest in a  
107 community association management firm, or a relative of such  
108 persons, has violated this section, the association may cancel  
109 its community association management contract with the community  
110 association manager or the community association management  
111 firm. If the contract is canceled, the association is liable  
112 only for the reasonable value of the management services  
113 provided up to the time of cancellation and is not liable for  
114 any termination fees, liquidated damages, or other form of  
115 penalty for such cancellation.

Amendment No. 1

116       (5) If an association enters into a contract with a  
117 community association manager or a community association  
118 management firm, including directors, officers, and persons with  
119 a financial interest in a community association management firm,  
120 or a relative of such persons, which is a party to or has an  
121 interest in an activity that is a possible conflict of interest  
122 as described in subsection (1) and such activity has not been  
123 properly disclosed as a conflict of interest or potential  
124 conflict of interest as required by this section, the contract  
125 is voidable and terminates upon the association filing a written  
126 notice terminating the contract with its board of directors  
127 which contains the consent of at least 20 percent of the voting  
128 interests of the association.

129       (6) As used in this section, the term "relative" means a  
130 relative within the third degree of consanguinity by blood or  
131 marriage.

132       Section 3. Paragraph (b) of subsection (2) of section  
133 468.436, Florida Statutes, is amended, and subsection (4) of  
134 that section is reenacted, to read:

135       468.436 Disciplinary proceedings.—

136       (2) The following acts constitute grounds for which the  
137 disciplinary actions in subsection (4) may be taken:

138       (b)1. Violation of ~~any provision of~~ this part.

139       2. Violation of any lawful order or rule rendered or  
140 adopted by the department or the council.

Amendment No. 1

141 3. Being convicted of or pleading nolo contendere to a  
142 felony in any court in the United States.

143 4. Obtaining a license or certification or any other  
144 order, ruling, or authorization by means of fraud,  
145 misrepresentation, or concealment of material facts.

146 5. Committing acts of gross misconduct or gross negligence  
147 in connection with the profession.

148 6. Contracting, on behalf of an association, with any  
149 entity in which the licensee has a financial interest that is  
150 not disclosed.

151 7. Failing to disclose any conflict of interest as  
152 required by s. 468.4335.

153 ~~8.7. Violating any provision of~~ chapter 718, chapter 719,  
154 or chapter 720 during the course of performing community  
155 association management services pursuant to a contract with a  
156 community association as defined in s. 468.431(1).

157 (4) When the department finds any community association  
158 manager or firm guilty of any of the grounds set forth in  
159 subsection (2), it may enter an order imposing one or more of  
160 the following penalties:

161 (a) Denial of an application for licensure.

162 (b) Revocation or suspension of a license.

163 (c) Imposition of an administrative fine not to exceed  
164 \$5,000 for each count or separate offense.

165 (d) Issuance of a reprimand.

196237 - h1021-strike-all.docx

Published On: 2/21/2024 8:08:39 PM

Amendment No. 1

166 (e) Placement of the community association manager on  
167 probation for a period of time and subject to such conditions as  
168 the department specifies.

169 (f) Restriction of the authorized scope of practice by the  
170 community association manager.

171 Section 4. Subsection (4) of section 553.899, Florida  
172 Statutes, is amended to read:

173 553.899 Mandatory structural inspections for condominium  
174 and cooperative buildings.—

175 (4) The milestone inspection report must be arranged by a  
176 condominium or cooperative association and any owner of any  
177 portion of the building which is not subject to the condominium  
178 or cooperative form of ownership. The condominium association or  
179 cooperative association and any owner of any portion of the  
180 building which is not subject to the condominium or cooperative  
181 form of ownership are each responsible for ensuring compliance  
182 with the requirements of this section. The condominium  
183 association or cooperative association is responsible for all  
184 costs associated with the milestone inspection attributable to  
185 the portions of a building which the association is responsible  
186 to maintain under the governing documents of the association.  
187 This section does not apply to a single-family, two-family, ~~or~~  
188 three-family dwelling, or four-family dwelling with three or  
189 fewer habitable stories above ground.



Amendment No. 1

190 Section 4. Subsection (14) of section 718.103, Florida  
191 Statutes, is amended, and subsections (19) through (32) of  
192 section 718.103, Florida Statutes, are renumbered as subsections  
193 (21) through (34), respectively, and new subsections (19) and  
194 (20) are added to that section, to read:

195 718.103 Definitions.—As used in this chapter, the term:

196 (14) "Condominium property" means the lands, leaseholds,  
197 improvements, any ~~and~~ personal property, and all easements and  
198 rights appurtenant thereto, regardless of whether contiguous,  
199 which ~~that~~ are subjected to condominium ownership, ~~whether or~~  
200 not contiguous, and all improvements thereon and all easements  
201 and rights appurtenant thereto intended for use in connection  
202 with the condominium.

203 (19) "Kickback" means any thing or service of value, for  
204 which consideration has not been provided, for an officer's, a  
205 director's, or a manager's own benefit or that of his or her  
206 immediate family, from any person providing or proposing to  
207 provide goods or services to the association.

208 (20) "Hurricane protection" means hurricane shutters,  
209 impact glass, code-compliant windows or doors, and other code-  
210 compliant hurricane protection products used to preserve and  
211 protect the condominium property or association property.

212 Section 5. Paragraph (b) of subsection (4) of section  
213 718.104, Florida Statutes, is amended, and paragraph(p) is added  
214 to subsection (4) of section 718.104, Florida Statutes, to read:

196237 - h1021-strike-all.docx

Published On: 2/21/2024 8:08:39 PM

Amendment No. 1

215 718.104 Creation of condominiums; contents of  
216 declaration.—Every condominium created in this state shall be  
217 created pursuant to this chapter.

218 (4) The declaration must contain or provide for the  
219 following matters:

220 (b) The name by which the condominium property is to be  
221 identified, which shall include the word "condominium" or be  
222 followed by the words "a condominium." Condominiums created  
223 within a portion of a building or within a multiple parcel  
224 building shall include the name by which the condominium is to  
225 be identified and be followed by "a condominium within a portion  
226 of a building or within a multiple parcel building."

227 (p) For both residential condominiums and mixed-use  
228 condominiums, a statement that specifies whether the unit owner  
229 or the association is responsible for the installation,  
230 maintenance, repair, or replacement of hurricane protection that  
231 is for the preservation and protection of the condominium  
232 property and association property.

233 Section 6. Paragraph (a) of subsection (1) and subsections  
234 (12), (13), and (15) of section 718.111, Florida Statutes, are  
235 amended to read:

236 718.111 The association.—

237 (1) CORPORATE ENTITY.—

238 (a) The operation of the condominium shall be by the  
239 association, which must be a Florida corporation for profit or a

## Amendment No. 1

240 Florida corporation not for profit. However, any association  
241 which was in existence on January 1, 1977, need not be  
242 incorporated. The owners of units shall be shareholders or  
243 members of the association. The officers and directors of the  
244 association have a fiduciary relationship to the unit owners. It  
245 is the intent of the Legislature that nothing in this paragraph  
246 shall be construed as providing for or removing a requirement of  
247 a fiduciary relationship between any manager employed by the  
248 association and the unit owners. An officer, director, or  
249 manager may not solicit, offer to accept, or accept any thing or  
250 service of value or kickback for which consideration has not  
251 been provided for his or her own benefit or that of his or her  
252 immediate family, from any person providing or proposing to  
253 provide goods or services to the association. Any such officer,  
254 director, or manager who knowingly so solicits, offers to  
255 accept, or accepts ~~any thing or service of value or a~~ kickback  
256 commits a felony of the third degree, punishable as provided in  
257 s. 775.082, s. 775.083, or s. 775.084, is subject to a civil  
258 penalty pursuant to s. 718.501(1)(d), and must be removed from  
259 office and a vacancy declared and, ~~if applicable, a criminal~~  
260 ~~penalty as provided in paragraph (d).~~ However, this paragraph  
261 does not prohibit an officer, director, or manager from  
262 accepting services or items received in connection with trade  
263 fairs or education programs. An association may operate more  
264 than one condominium.

196237 - h1021-strike-all.docx

Published On: 2/21/2024 8:08:39 PM

Amendment No. 1

265 (12) OFFICIAL RECORDS.—

266 (a) From the inception of the association, the association  
267 shall maintain each of the following items, if applicable, which  
268 constitutes the official records of the association:

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

271 2. A photocopy of the recorded declaration of condominium  
272 of each condominium operated by the association and each  
273 amendment to each declaration.

274 3. A photocopy of the recorded bylaws of the association  
275 and each amendment to the bylaws.

276 4. A certified copy of the articles of incorporation of  
277 the association, or other documents creating the association,  
278 and each amendment thereto.

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

280 6. A book or books that contain the minutes of all  
281 meetings of the association, the board of administration, and  
282 the unit owners.

283 7. A current roster of all unit owners and their mailing  
284 addresses, unit identifications, voting certifications, and, if  
285 known, telephone numbers. The association shall also maintain  
286 the e-mail addresses and facsimile numbers of unit owners  
287 consenting to receive notice by electronic transmission. ~~The e-~~  
288 ~~mail addresses and facsimile numbers are not accessible to unit~~  
289 ~~owners if consent to receive notice by electronic transmission~~

196237 - h1021-strike-all.docx

Published On: 2/21/2024 8:08:39 PM

Amendment No. 1

290 ~~is not provided~~ In accordance with sub-subparagraph (c)5.e., the  
291 e-mail addresses and facsimile numbers are only accessible to  
292 unit owners if consent to receive notice by electronic  
293 transmission is provided, or if the unit owner has expressly  
294 indicated that such personal information can be shared with  
295 other unit owners, and the unit owner has not provided the  
296 association with a request to opt-out of such dissemination with  
297 other unit owners. ~~(c)3.e.~~ An association must ensure that such  
298 e-mail addresses and facsimile numbers are only used for the  
299 business operation of the association and may not be sold or  
300 shared with outside third parties. If such personal information  
301 is included in documents released to third parties other than  
302 unit owners, the association must redact such personal  
303 information before the document is disseminated. However, the  
304 association is not liable for an inadvertent disclosure of the  
305 e-mail address or facsimile number for receiving electronic  
306 transmission of notices unless disclosure was made with a  
307 knowing or intentional disregard of the protected nature of such  
308 information.

309 8. All current insurance policies of the association and  
310 condominiums operated by the association.

311 9. A current copy of any management agreement, lease, or  
312 other contract to which the association is a party or under  
313 which the association or the unit owners have an obligation or  
314 responsibility.

Amendment No. 1

315 10. Bills of sale or transfer for all property owned by  
316 the association.

317 11. Accounting records for the association and separate  
318 accounting records for each condominium that the association  
319 operates. Any person who knowingly or intentionally defaces or  
320 destroys such records, or who knowingly or intentionally fails  
321 to create or maintain such records, with the intent of causing  
322 harm to the association or one or more of its members, is  
323 personally subject to a civil penalty pursuant to s.  
324 718.501(1)(d). The accounting records must include, but are not  
325 limited to:

326 a. Accurate, itemized, and detailed records of all  
327 receipts and expenditures.

328 b. All invoices, transaction receipts, or deposit slips  
329 that substantiate any receipt or expenditure of funds by the  
330 association.

331 ~~c.b.~~ A current account and a monthly, bimonthly, or  
332 quarterly statement of the account for each unit designating the  
333 name of the unit owner, the due date and amount of each  
334 assessment, the amount paid on the account, and the balance due.

335 ~~d.e.~~ All audits, reviews, accounting statements,  
336 structural integrity reserve studies, and financial reports of  
337 the association or condominium. Structural integrity reserve  
338 studies must be maintained for at least 15 years after the study  
339 is completed.

196237 - h1021-strike-all.docx

Published On: 2/21/2024 8:08:39 PM

Amendment No. 1

340 ~~e.d.~~ All contracts for work to be performed. Bids for work  
341 to be performed are also considered official records and must be  
342 maintained by the association for at least 1 year after receipt  
343 of the bid.

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

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

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

353 15. A copy of the inspection reports described in ss.  
354 553.899 and 718.301(4) (p) and any other inspection report  
355 relating to a structural or life safety inspection of  
356 condominium property. Such record must be maintained by the  
357 association for 15 years after receipt of the report.

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

359 17. All affirmative acknowledgments made pursuant to s.  
360 718.121(4) (c).

361 18. A copy of all building permits issued for ongoing or  
362 planned construction.

Amendment No. 1

363 ~~19.18.~~ All other written records of the association not  
364 specifically included in the foregoing which are related to the  
365 operation of the association.

366 20. A copy of all satisfactorily completed board member  
367 educational certificates.

368 (b) The official records specified in subparagraphs (a)1.-  
369 6. must be permanently maintained from the inception of the  
370 association. Bids for work to be performed or for materials,  
371 equipment, or services must be maintained for at least 1 year  
372 after receipt of the bid. All other official records must be  
373 maintained within the state for at least 7 years, unless  
374 otherwise provided by general law. The official records must be  
375 maintained in an organized manner that facilitates inspection of  
376 the records by a unit owner. In the event that the official  
377 records are lost, destroyed, or otherwise unavailable, the  
378 obligation to maintain the official records includes a good  
379 faith obligation to obtain and recover those records as may be  
380 reasonably possible. The records of the association shall be  
381 made available to a unit owner within 45 miles of the  
382 condominium property or within the county in which the  
383 condominium property is located within 10 working days after  
384 receipt of a written request by the board or its designee.  
385 However, such distance requirement does not apply to an  
386 association governing a timeshare condominium. This paragraph  
387 and paragraph (c) may be complied with by having a copy of the

196237 - h1021-strike-all.docx

Published On: 2/21/2024 8:08:39 PM



Amendment No. 1

388 official records of the association available for inspection or  
389 copying on the condominium property or association property, or  
390 the association may offer the option of making the records  
391 available to a unit owner electronically via the Internet as  
392 provided under paragraph (g) or by allowing the records to be  
393 viewed in electronic format on a computer screen and printed  
394 upon request. The association is not responsible for the use or  
395 misuse of the information provided to an association member or  
396 his or her authorized representative in compliance with this  
397 chapter unless the association has an affirmative duty not to  
398 disclose such information under this chapter.

399 ~~(c)1.a.(e)1.~~ The official records of the association are  
400 open to inspection by any association member and any person  
401 authorized by an association member as a representative of such  
402 member at all reasonable times. The right to inspect the records  
403 includes the right to make or obtain copies, at the reasonable  
404 expense, if any, of the member and of the person authorized by  
405 the association member as a representative of such member. A  
406 renter of a unit has a right to inspect and copy only the  
407 declaration of condominium, the association's bylaws and rules,  
408 and the inspection reports described in ss. 553.899 and  
409 718.301(4)(p). The association may adopt reasonable rules  
410 regarding the frequency, time, location, notice, and manner of  
411 record inspections and copying but may not require a member to  
412 demonstrate any purpose or state any reason for the inspection.

196237 - h1021-strike-all.docx

Published On: 2/21/2024 8:08:39 PM

## Amendment No. 1

413 The failure of an association to provide the records within 10  
414 working days after receipt of a written request creates a  
415 rebuttable presumption that the association willfully failed to  
416 comply with this paragraph. A unit owner who is denied access to  
417 official records is entitled to the actual damages or minimum  
418 damages for the association's willful failure to comply. Minimum  
419 damages are \$50 per calendar day for up to 10 days, beginning on  
420 the 11th working day after receipt of the written request. The  
421 failure to permit inspection entitles any person prevailing in  
422 an enforcement action to recover reasonable attorney fees from  
423 the person in control of the records who, directly or  
424 indirectly, knowingly denied access to the records. If the  
425 requested records are posted on an association's website, or are  
426 available for download through an application on a mobile  
427 device, the association may fulfill its obligations under this  
428 paragraph by directing to the website or the application all  
429 persons authorized to request access.

430 b. In response to a written request to inspect records,  
431 the association must simultaneously provide to the requestor a  
432 checklist of all records made available for inspection and  
433 copying. The checklist must also identify any of the  
434 association's official records that were not made available to  
435 the requestor. An association must maintain a checklist provided  
436 under this sub-subparagraph for 7 years. An association  
437 delivering a checklist pursuant to this sub-subparagraph creates

Amendment No. 1

438 a rebuttable presumption that the association has complied with  
439 this paragraph.

440 2. A director or member of the board or association or a  
441 community association manager who knowingly, willfully, and  
442 repeatedly violates subparagraph 1. commits a misdemeanor of the  
443 second degree, punishable as provided in s. 775.082 or s.  
444 775.083, and must be removed from office and a vacancy declared.  
445 For purposes of this subparagraph, the term "repeatedly" means  
446 two or more violations within a 12-month period.

447 ~~3.2.~~ Any person who knowingly or intentionally defaces or  
448 destroys accounting records that are required by this chapter to  
449 be maintained during the period for which such records are  
450 required to be maintained, or who knowingly or intentionally  
451 fails to create or maintain accounting records that are required  
452 to be created or maintained, with the intent of causing harm to  
453 the association or one or more of its members, commits a  
454 misdemeanor of the first degree, punishable as provided in s.  
455 775.082 or s. 775.083, is personally subject to a civil penalty  
456 pursuant to s. 718.501(1)(d), and must be removed from office  
457 and a vacancy declared.

458 4. A person who willfully and knowingly refuses to release  
459 or otherwise produce association records with the intent to  
460 avoid or escape detection, arrest, trial, or punishment for the  
461 commission of a crime, or to assist another person with such  
462 avoidance or escape, commits a felony of the third degree,

196237 - h1021-strike-all.docx

Published On: 2/21/2024 8:08:39 PM

Amendment No. 1

463 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,  
464 and must be removed from office and a vacancy declared.

465 ~~5.3.~~ The association shall maintain an adequate number of  
466 copies of the declaration, articles of incorporation, bylaws,  
467 and rules, and all amendments to each of the foregoing, as well  
468 as the question and answer sheet as described in s. 718.504 and  
469 year-end financial information required under this section, on  
470 the condominium property to ensure their availability to unit  
471 owners and prospective purchasers, and may charge its actual  
472 costs for preparing and furnishing these documents to those  
473 requesting the documents. An association shall allow a member or  
474 his or her authorized representative to use a portable device,  
475 including a smartphone, tablet, portable scanner, or any other  
476 technology capable of scanning or taking photographs, to make an  
477 electronic copy of the official records in lieu of the  
478 association's providing the member or his or her authorized  
479 representative with a copy of such records. The association may  
480 not charge a member or his or her authorized representative for  
481 the use of a portable device. Notwithstanding this paragraph,  
482 the following records are not accessible to unit owners:

483 a. Any record protected by the lawyer-client privilege as  
484 described in s. 90.502 and any record protected by the work-  
485 product privilege, including a record prepared by an association  
486 attorney or prepared at the attorney's express direction, which  
487 reflects a mental impression, conclusion, litigation strategy,

196237 - h1021-strike-all.docx

Published On: 2/21/2024 8:08:39 PM

## Amendment No. 1

488 or legal theory of the attorney or the association, and which  
489 was prepared exclusively for civil or criminal litigation or for  
490 adversarial administrative proceedings, or which was prepared in  
491 anticipation of such litigation or proceedings until the  
492 conclusion of the litigation or proceedings.

493 b. Information obtained by an association in connection  
494 with the approval of the lease, sale, or other transfer of a  
495 unit.

496 c. Personnel records of association or management company  
497 employees, including, but not limited to, disciplinary, payroll,  
498 health, and insurance records. For purposes of this sub-  
499 subparagraph, the term "personnel records" does not include  
500 written employment agreements with an association employee or  
501 management company, or budgetary or financial records that  
502 indicate the compensation paid to an association employee.

503 d. Medical records of unit owners.

504 e. Social security numbers, driver license numbers, credit  
505 card numbers, e-mail addresses, telephone numbers, facsimile  
506 numbers, emergency contact information, addresses of a unit  
507 owner other than as provided to fulfill the association's notice  
508 requirements, and other personal identifying information of any  
509 person, excluding the person's name, unit designation, mailing  
510 address, property address, and any address, e-mail address, or  
511 facsimile number provided to the association to fulfill the  
512 association's notice requirements. Notwithstanding the

Amendment No. 1

513 restrictions in this sub-subparagraph, an association may print  
514 and distribute to unit owners a directory containing the name,  
515 unit address, and all telephone numbers of each unit owner.  
516 However, an owner may exclude his or her telephone numbers from  
517 the directory by so requesting in writing to the association. An  
518 owner may consent in writing to the disclosure of other contact  
519 information described in this sub-subparagraph. The association  
520 is not liable for the inadvertent disclosure of information that  
521 is protected under this sub-subparagraph if the information is  
522 included in an official record of the association and is  
523 voluntarily provided by an owner and not requested by the  
524 association.

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

527 g. The software and operating system used by the  
528 association which allow the manipulation of data, even if the  
529 owner owns a copy of the same software used by the association.  
530 The data is part of the official records of the association.

531 h. All affirmative acknowledgments made pursuant to s.  
532 718.121(4)(c).

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

535 (e)1. The association or its authorized agent is not  
536 required to provide a prospective purchaser or lienholder with  
537 information about the condominium or the association other than

## Amendment No. 1

538 information or documents required by this chapter to be made  
539 available or disclosed. The association or its authorized agent  
540 may charge a reasonable fee to the prospective purchaser,  
541 lienholder, or the current unit owner for providing good faith  
542 responses to requests for information by or on behalf of a  
543 prospective purchaser or lienholder, other than that required by  
544 law, if the fee does not exceed \$150 plus the reasonable cost of  
545 photocopying and any attorney's fees incurred by the association  
546 in connection with the response.

547 2. An association and its authorized agent are not liable  
548 for providing such information in good faith pursuant to a  
549 written request if the person providing the information includes  
550 a written statement in substantially the following form: "The  
551 responses herein are made in good faith and to the best of my  
552 ability as to their accuracy."

553 (f) An outgoing board or committee member must relinquish  
554 all official records and property of the association in his or  
555 her possession or under his or her control to the incoming board  
556 within 5 days after the election. The division shall impose a  
557 civil penalty as set forth in s. 718.501(1)(d)6. against an  
558 outgoing board or committee member who willfully and knowingly  
559 fails to relinquish such records and property.

560 (g)1. By January 1, 2019, an association managing a  
561 condominium with 150 or more units which does not contain  
562 timeshare units shall post digital copies of the documents

## Amendment No. 1

563 specified in subparagraph 2. on its website or make such  
564 documents available through an application that can be  
565 downloaded on a mobile device.

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

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

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

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

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



Amendment No. 1

586 2. A current copy of the following documents must be  
587 posted in digital format on the association's website or  
588 application:

589 a. The recorded declaration of condominium of each  
590 condominium operated by the association and each amendment to  
591 each declaration.

592 b. The recorded bylaws of the association and each  
593 amendment to the bylaws.

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

599 d. The rules of the association.

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

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

196237 - h1021-strike-all.docx

Published On: 2/21/2024 8:08:39 PM

Amendment No. 1

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

614 h. The certification of each director required by s.  
615 718.112(2)(d)4.b.

616 i. All contracts or transactions between the association  
617 and any director, officer, corporation, firm, or association  
618 that is not an affiliated condominium association or any other  
619 entity in which an association director is also a director or  
620 officer and financially interested.

621 j. Any contract or document regarding a conflict of  
622 interest or possible conflict of interest as provided in ss.  
623 468.4335, 468.436(2)(b)6. and 718.3027(3).

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

Amendment No. 1

635 1. Notice of any board meeting, the agenda, and any other  
636 document required for the meeting as required by s.  
637 718.112(2)(c), which must be posted no later than the date  
638 required for notice under s. 718.112(2)(c).

639 m. The inspection reports described in ss. 553.899 and  
640 718.301(4)(p) and any other inspection report relating to a  
641 structural or life safety inspection of condominium property.

642 n. The association's most recent structural integrity  
643 reserve study, if applicable.

644 o. Copies of all building permits issued for ongoing or  
645 planned construction.

646 3. The association shall ensure that the information and  
647 records described in paragraph (c), which are not allowed to be  
648 accessible to unit owners, are not posted on the association's  
649 website or application. If protected information or information  
650 restricted from being accessible to unit owners is included in  
651 documents that are required to be posted on the association's  
652 website or application, the association shall ensure the  
653 information is redacted before posting the documents.

654 Notwithstanding the foregoing, the association or its agent is  
655 not liable for disclosing information that is protected or  
656 restricted under this paragraph unless such disclosure was made  
657 with a knowing or intentional disregard of the protected or  
658 restricted nature of such information.

Amendment No. 1

659 4. The failure of the association to post information  
660 required under subparagraph 2. is not in and of itself  
661 sufficient to invalidate any action or decision of the  
662 association's board or its committees.

663 (13) FINANCIAL REPORTING.—Within 90 days after the end of  
664 the fiscal year, or annually on a date provided in the bylaws,  
665 the association shall prepare and complete, or contract for the  
666 preparation and completion of, a financial report for the  
667 preceding fiscal year. Within 21 days after the final financial  
668 report is completed by the association or received from the  
669 third party, but not later than 120 days after the end of the  
670 fiscal year or other date as provided in the bylaws, the  
671 association shall deliver mail to each unit owner by United  
672 States mail or personal delivery at the mailing address,  
673 property address, e-mail address, or facsimile number provided  
674 to fulfill the association's notice requirements at the address  
675 last furnished to the association by the unit owner, or hand  
676 deliver to each unit owner, a copy of the most recent financial  
677 report, and ~~or~~ a notice that a copy of the most recent financial  
678 report will be mailed or hand delivered to the unit owner,  
679 without charge, within 5 business days after receipt of a  
680 written request from the unit owner. The division shall adopt  
681 rules setting forth uniform accounting principles and standards  
682 to be used by all associations and addressing the financial  
683 reporting requirements for multicondominium associations. The

196237 - h1021-strike-all.docx

Published On: 2/21/2024 8:08:39 PM

Amendment No. 1

684 rules must include, but not be limited to, standards for  
685 presenting a summary of association reserves, including a good  
686 faith estimate disclosing the annual amount of reserve funds  
687 that would be necessary for the association to fully fund  
688 reserves for each reserve item based on the straight-line  
689 accounting method. This disclosure is not applicable to reserves  
690 funded via the pooling method. In adopting such rules, the  
691 division shall consider the number of members and annual  
692 revenues of an association. Financial reports shall be prepared  
693 as follows:

694 (a) An association that meets the criteria of this  
695 paragraph shall prepare a complete set of financial statements  
696 in accordance with generally accepted accounting principles. The  
697 financial statements must be based upon the association's total  
698 annual revenues, as follows:

699 1. An association with total annual revenues of \$150,000  
700 or more, but less than \$300,000, shall prepare compiled  
701 financial statements.

702 2. An association with total annual revenues of at least  
703 \$300,000, but less than \$500,000, shall prepare reviewed  
704 financial statements.

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

Amendment No. 1

707 (b)1. An association with total annual revenues of less  
708 than \$150,000 shall prepare a report of cash receipts and  
709 expenditures.

710 2. A report of cash receipts and disbursements must  
711 disclose the amount of receipts by accounts and receipt  
712 classifications and the amount of expenses by accounts and  
713 expense classifications, including, but not limited to, the  
714 following, as applicable: costs for security, professional and  
715 management fees and expenses, taxes, costs for recreation  
716 facilities, expenses for refuse collection and utility services,  
717 expenses for lawn care, costs for building maintenance and  
718 repair, insurance costs, administration and salary expenses, and  
719 reserves accumulated and expended for capital expenditures,  
720 deferred maintenance, and any other category for which the  
721 association maintains reserves.

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

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

727 2. Reviewed or audited financial statements, if the  
728 association is required to prepare compiled financial  
729 statements; or

730 3. Audited financial statements if the association is  
731 required to prepare reviewed financial statements.

Amendment No. 1

732 (d) If approved by a majority of the voting interests  
733 present at a properly called meeting of the association, an  
734 association may prepare:

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

737 2. A report of cash receipts and expenditures or a  
738 compiled financial statement in lieu of a reviewed or audited  
739 financial statement; or

740 3. A report of cash receipts and expenditures, a compiled  
741 financial statement, or a reviewed financial statement in lieu  
742 of an audited financial statement.

743  
744 Such meeting and approval must occur before the end of the  
745 fiscal year and is effective only for the fiscal year in which  
746 the vote is taken. An association may not prepare a financial  
747 report pursuant to this paragraph for consecutive fiscal years,  
748 ~~except that the approval may also be effective for the following~~  
749 ~~fiscal year.~~ If the developer has not turned over control of the  
750 association, all unit owners, including the developer, may vote  
751 on issues related to the preparation of the association's  
752 financial reports, from the date of incorporation of the  
753 association through the end of the second fiscal year after the  
754 fiscal year in which the certificate of a surveyor and mapper is  
755 recorded pursuant to s. 718.104(4)(e) or an instrument that  
756 transfers title to a unit in the condominium which is not

196237 - h1021-strike-all.docx

Published On: 2/21/2024 8:08:39 PM

Amendment No. 1

757 accompanied by a recorded assignment of developer rights in  
758 favor of the grantee of such unit is recorded, whichever occurs  
759 first. Thereafter, all unit owners except the developer may vote  
760 on such issues until control is turned over to the association  
761 by the developer. Any audit or review prepared under this  
762 section shall be paid for by the developer if done before  
763 turnover of control of the association.

764 (e) A unit owner may provide written notice to the  
765 division of the association's failure to mail or hand deliver  
766 him or her a copy of the most recent financial report within 5  
767 business days after he or she submitted a written request to the  
768 association for a copy of such report. If the division  
769 determines that the association failed to mail or hand deliver a  
770 copy of the most recent financial report to the unit owner, the  
771 division shall provide written notice to the association that  
772 the association must mail or hand deliver a copy of the most  
773 recent financial report to the unit owner and the division  
774 within 5 business days after it receives such notice from the  
775 division. An association that fails to comply with the  
776 division's request may not waive the financial reporting  
777 requirement provided in paragraph (d) for the fiscal year in  
778 which the unit owner's request was made and the following fiscal  
779 year. A financial report received by the division pursuant to  
780 this paragraph shall be maintained, and the division shall



Amendment No. 1

781 provide a copy of such report to an association member upon his  
782 or her request.

783 (15) DEBIT CARDS.—

784 (a) An association and its officers, directors, employees,  
785 and agents may not use a debit card issued in the name of the  
786 association, or billed directly to the association, for the  
787 payment of any association expense.

788 (b) A person who uses ~~Use of~~ a debit card issued in the  
789 name of the association, or billed directly to the association,  
790 for any expense that is not a lawful obligation of the  
791 association commits theft under s. 812.014 and must be removed  
792 from office and a vacancy declared. For the purposes of this  
793 paragraph, the term "lawful obligation of the association" means  
794 an obligation that has been properly preapproved by the board  
795 and is reflected in the meeting minutes or the written budget  
796 ~~may be prosecuted as credit card fraud pursuant to s. 817.61.~~

797 Section 7. Effective January 1, 2026, paragraph (g) of  
798 subsection (12) of section 718.111, Florida Statutes, as amended  
799 by this act, is amended to read:

800 718.111 The association.—

801 (12) OFFICIAL RECORDS.—

802 (g)1. ~~By January 1, 2019,~~ An association managing a  
803 condominium with 25 ~~150~~ or more units which does not contain  
804 timeshare units shall post digital copies of the documents  
805 specified in subparagraph 2. on its website or make such

196237 - h1021-strike-all.docx

Published On: 2/21/2024 8:08:39 PM

Amendment No. 1

806 documents available through an application that can be  
807 downloaded on a mobile device.

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

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

811 (II) A website, application, or web portal operated by a  
812 third-party provider with whom the association owns, leases,  
813 rents, or otherwise obtains the right to operate a web page,  
814 subpage, web portal, collection of subpages or web portals, or  
815 an application which is dedicated to the association's  
816 activities and on which required notices, records, and documents  
817 may be posted or made available by the association.

818 b. The association's website or application must be  
819 accessible through the Internet and must contain a subpage, web  
820 portal, or other protected electronic location that is  
821 inaccessible to the general public and accessible only to unit  
822 owners and employees of the association.

823 c. Upon a unit owner's written request, the association  
824 must provide the unit owner with a username and password and  
825 access to the protected sections of the association's website or  
826 application which contain any notices, records, or documents  
827 that must be electronically provided.

828 2. A current copy of the following documents must be  
829 posted in digital format on the association's website or  
830 application:

196237 - h1021-strike-all.docx

Published On: 2/21/2024 8:08:39 PM

Amendment No. 1

831 a. The recorded declaration of condominium of each  
832 condominium operated by the association and each amendment to  
833 each declaration.

834 b. The recorded bylaws of the association and each  
835 amendment to the bylaws.

836 c. The articles of incorporation of the association, or  
837 other documents creating the association, and each amendment to  
838 the articles of incorporation or other documents. The copy  
839 posted pursuant to this sub-subparagraph must be a copy of the  
840 articles of incorporation filed with the Department of State.

841 d. The rules of the association.

842 e. A list of all executory contracts or documents to which  
843 the association is a party or under which the association or the  
844 unit owners have an obligation or responsibility and, after  
845 bidding for the related materials, equipment, or services has  
846 closed, a list of bids received by the association within the  
847 past year. Summaries of bids for materials, equipment, or  
848 services which exceed \$500 must be maintained on the website or  
849 application for 1 year. In lieu of summaries, complete copies of  
850 the bids may be posted.

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

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

Amendment No. 1

856 h. The certification of each director required by s.  
857 718.112(2)(d)4.b.

858 i. All contracts or transactions between the association  
859 and any director, officer, corporation, firm, or association  
860 that is not an affiliated condominium association or any other  
861 entity in which an association director is also a director or  
862 officer and financially interested.

863 j. Any contract or document regarding a conflict of  
864 interest or possible conflict of interest as provided in ss.  
865 468.4335, 468.436(2)(b)6. and 718.3027(3).

866 k. The notice of any unit owner meeting and the agenda for  
867 the meeting, as required by s. 718.112(2)(d)3., no later than 14  
868 days before the meeting. The notice must be posted in plain view  
869 on the front page of the website or application, or on a  
870 separate subpage of the website or application labeled "Notices"  
871 which is conspicuously visible and linked from the front page.  
872 The association must also post on its website or application any  
873 document to be considered and voted on by the owners during the  
874 meeting or any document listed on the agenda at least 7 days  
875 before the meeting at which the document or the information  
876 within the document will be considered.

877 l. Notice of any board meeting, the agenda, and any other  
878 document required for the meeting as required by s.  
879 718.112(2)(c), which must be posted no later than the date  
880 required for notice under s. 718.112(2)(c).

196237 - h1021-strike-all.docx

Published On: 2/21/2024 8:08:39 PM

Amendment No. 1

881 m. The inspection reports described in ss. 553.899 and  
882 718.301(4) (p) and any other inspection report relating to a  
883 structural or life safety inspection of condominium property.

884 n. The association's most recent structural integrity  
885 reserve study, if applicable.

886 o. Copies of all building permits issued for ongoing or  
887 planned construction.

888 3. The association shall ensure that the information and  
889 records described in paragraph (c), which are not allowed to be  
890 accessible to unit owners, are not posted on the association's  
891 website or application. If protected information or information  
892 restricted from being accessible to unit owners is included in  
893 documents that are required to be posted on the association's  
894 website or application, the association shall ensure the  
895 information is redacted before posting the documents.

896 Notwithstanding the foregoing, the association or its agent is  
897 not liable for disclosing information that is protected or  
898 restricted under this paragraph unless such disclosure was made  
899 with a knowing or intentional disregard of the protected or  
900 restricted nature of such information.

901 4. The failure of the association to post information  
902 required under subparagraph 2. is not in and of itself  
903 sufficient to invalidate any action or decision of the  
904 association's board or its committees.

Amendment No. 1

905 Section 8. Paragraphs (c), (d), (f), (g), and (q) of  
906 subsection (2) of section 718.112, Florida Statutes, are  
907 amended, and paragraph (r) is added to that subsection, to read:

908 718.112 Bylaws.—

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

912 (c) Board of administration meetings.—In a residential  
913 condominium association of more than 10 units, the board of  
914 administration shall meet once each quarter for the purpose of  
915 responding to inquiries from members and informing members on  
916 the state of the condominium, including the status of any  
917 construction or repair projects, the status of the association's  
918 revenue and expenditures during the fiscal year, or other issues  
919 affecting the association. Meetings of the board of  
920 administration at which a quorum of the members is present are  
921 open to all unit owners. Members of the board of administration  
922 may use e-mail as a means of communication but may not cast a  
923 vote on an association matter via e-mail. A unit owner may tape  
924 record or videotape the meetings. The right to attend such  
925 meetings includes the right to speak at such meetings with  
926 reference to all designated agenda items. The division shall  
927 adopt reasonable rules governing the tape recording and  
928 videotaping of the meeting. The association may adopt written

## Amendment No. 1

929 reasonable rules governing the frequency, duration, and manner  
930 of unit owner statements.

931 1. Adequate notice of all board meetings, which must  
932 specifically identify all agenda items, must be posted  
933 conspicuously on the condominium property at least 48 continuous  
934 hours before the meeting except in an emergency. If 20 percent  
935 of the voting interests petition the board to address an item of  
936 business, the board, within 60 days after receipt of the  
937 petition, shall place the item on the agenda at its next regular  
938 board meeting or at a special meeting called for that purpose.  
939 An item not included on the notice may be taken up on an  
940 emergency basis by a vote of at least a majority plus one of the  
941 board members. Such emergency action must be noticed and  
942 ratified at the next regular board meeting. Written notice of a  
943 meeting at which a nonemergency special assessment or an  
944 amendment to rules regarding unit use will be considered must be  
945 mailed, delivered, or electronically transmitted to the unit  
946 owners and posted conspicuously on the condominium property at  
947 least 14 days before the meeting. Evidence of compliance with  
948 this 14-day notice requirement must be made by an affidavit  
949 executed by the person providing the notice and filed with the  
950 official records of the association. ~~Notice of any meeting in~~  
951 ~~which regular or special assessments against unit owners are to~~  
952 ~~be considered must specifically state that assessments will be~~

Amendment No. 1

953 ~~considered and provide the estimated cost and description of the~~  
954 ~~purposes for such assessments.~~

955       2. Upon notice to the unit owners, the board shall, by  
956 duly adopted rule, designate a specific location on the  
957 condominium property at which ~~where~~ all notices of board  
958 meetings must be posted. If there is no condominium property at  
959 which ~~where~~ notices can be posted, notices shall be mailed,  
960 delivered, or electronically transmitted to each unit owner at  
961 least 14 days before the meeting. In lieu of or in addition to  
962 the physical posting of the notice on the condominium property,  
963 the association may, by reasonable rule, adopt a procedure for  
964 conspicuously posting and repeatedly broadcasting the notice and  
965 the agenda on a closed-circuit cable television system serving  
966 the condominium association. However, if broadcast notice is  
967 used in lieu of a notice physically posted on condominium  
968 property, the notice and agenda must be broadcast at least four  
969 times every broadcast hour of each day that a posted notice is  
970 otherwise required under this section. If broadcast notice is  
971 provided, the notice and agenda must be broadcast in a manner  
972 and for a sufficient continuous length of time so as to allow an  
973 average reader to observe the notice and read and comprehend the  
974 entire content of the notice and the agenda. In addition to any  
975 of the authorized means of providing notice of a meeting of the  
976 board, the association may, by rule, adopt a procedure for  
977 conspicuously posting the meeting notice and the agenda on a

196237 - h1021-strike-all.docx

Published On: 2/21/2024 8:08:39 PM



Amendment No. 1

978 website serving the condominium association for at least the  
979 minimum period of time for which a notice of a meeting is also  
980 required to be physically posted on the condominium property.  
981 Any rule adopted shall, in addition to other matters, include a  
982 requirement that the association send an electronic notice in  
983 the same manner as a notice for a meeting of the members, which  
984 must include a hyperlink to the website at which ~~where~~ the  
985 notice is posted, to unit owners whose e-mail addresses are  
986 included in the association's official records.

987 3. Notice of any meeting in which regular or special  
988 assessments against unit owners are to be considered must  
989 specifically state that assessments will be considered and  
990 provide the estimated cost and description of the purposes for  
991 such assessments. If an agenda item relates to the approval of a  
992 contract for goods or services, a copy of the contract must be  
993 provided with the notice and be made available for inspection  
994 and copying upon a written request from a unit owner or made  
995 available on the association's website or through an application  
996 that can be downloaded on a mobile device.

997 4.2. Meetings of a committee to take final action on  
998 behalf of the board or make recommendations to the board  
999 regarding the association budget are subject to this paragraph.  
1000 Meetings of a committee that does not take final action on  
1001 behalf of the board or make recommendations to the board  
1002 regarding the association budget are subject to this section,

196237 - h1021-strike-all.docx

Published On: 2/21/2024 8:08:39 PM

Amendment No. 1

1003 unless those meetings are exempted from this section by the  
1004 bylaws of the association.

1005 ~~5.3.~~ Notwithstanding any other law, the requirement that  
1006 board meetings and committee meetings be open to the unit owners  
1007 does not apply to:

1008 a. Meetings between the board or a committee and the  
1009 association's attorney, with respect to proposed or pending  
1010 litigation, if the meeting is held for the purpose of seeking or  
1011 rendering legal advice; or

1012 b. Board meetings held for the purpose of discussing  
1013 personnel matters.

1014 (d) *Unit owner meetings.*—

1015 1. An annual meeting of the unit owners must be held at  
1016 the location provided in the association bylaws and, if the  
1017 bylaws are silent as to the location, the meeting must be held  
1018 within 45 miles of the condominium property. However, such  
1019 distance requirement does not apply to an association governing  
1020 a timeshare condominium.

1021 2. Unless the bylaws provide otherwise, a vacancy on the  
1022 board caused by the expiration of a director's term must be  
1023 filled by electing a new board member, and the election must be  
1024 by secret ballot. An election is not required if the number of  
1025 vacancies equals or exceeds the number of candidates. For  
1026 purposes of this paragraph, the term "candidate" means an  
1027 eligible person who has timely submitted the written notice, as

196237 - h1021-strike-all.docx

Published On: 2/21/2024 8:08:39 PM

## Amendment No. 1

1028 described in sub-subparagraph 4.a., of his or her intention to  
1029 become a candidate. Except in a timeshare or nonresidential  
1030 condominium, or if the staggered term of a board member does not  
1031 expire until a later annual meeting, or if all members' terms  
1032 would otherwise expire but there are no candidates, the terms of  
1033 all board members expire at the annual meeting, and such members  
1034 may stand for reelection unless prohibited by the bylaws. Board  
1035 members may serve terms longer than 1 year if permitted by the  
1036 bylaws or articles of incorporation. A board member may not  
1037 serve more than 8 consecutive years unless approved by an  
1038 affirmative vote of unit owners representing two-thirds of all  
1039 votes cast in the election or unless there are not enough  
1040 eligible candidates to fill the vacancies on the board at the  
1041 time of the vacancy. Only board service that occurs on or after  
1042 July 1, 2018, may be used when calculating a board member's term  
1043 limit. If the number of board members whose terms expire at the  
1044 annual meeting equals or exceeds the number of candidates, the  
1045 candidates become members of the board effective upon the  
1046 adjournment of the annual meeting. Unless the bylaws provide  
1047 otherwise, any remaining vacancies shall be filled by the  
1048 affirmative vote of the majority of the directors making up the  
1049 newly constituted board even if the directors constitute less  
1050 than a quorum or there is only one director. In a residential  
1051 condominium association of more than 10 units or in a  
1052 residential condominium association that does not include

196237 - h1021-strike-all.docx

Published On: 2/21/2024 8:08:39 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1021 (2024)

Amendment No. 1

1053 | timeshare units or timeshare interests, co-owners of a unit may  
1054 | not serve as members of the board of directors at the same time  
1055 | unless they own more than one unit or unless there are not  
1056 | enough eligible candidates to fill the vacancies on the board at  
1057 | the time of the vacancy. A unit owner in a residential  
1058 | condominium desiring to be a candidate for board membership must  
1059 | comply with sub-subparagraph 4.a. and must be eligible to be a  
1060 | candidate to serve on the board of directors at the time of the  
1061 | deadline for submitting a notice of intent to run in order to  
1062 | have his or her name listed as a proper candidate on the ballot  
1063 | or to serve on the board. A person who has been suspended or  
1064 | removed by the division under this chapter, or who is delinquent  
1065 | in the payment of any assessment due to the association, is not  
1066 | eligible to be a candidate for board membership and may not be  
1067 | listed on the ballot. For purposes of this paragraph, a person  
1068 | is delinquent if a payment is not made by the due date as  
1069 | specifically identified in the declaration of condominium,  
1070 | bylaws, or articles of incorporation. If a due date is not  
1071 | specifically identified in the declaration of condominium,  
1072 | bylaws, or articles of incorporation, the due date is the first  
1073 | day of the assessment period. A person who has been convicted of  
1074 | any felony in this state or in a United States District or  
1075 | Territorial Court, or who has been convicted of any offense in  
1076 | another jurisdiction which would be considered a felony if  
1077 | committed in this state, is not eligible for board membership

196237 - h1021-strike-all.docx

Published On: 2/21/2024 8:08:39 PM

## Amendment No. 1

1078 unless such felon's civil rights have been restored for at least  
1079 5 years as of the date such person seeks election to the board.  
1080 The validity of an action by the board is not affected if it is  
1081 later determined that a board member is ineligible for board  
1082 membership due to having been convicted of a felony. This  
1083 subparagraph does not limit the term of a member of the board of  
1084 a nonresidential or timeshare condominium.

1085 3. The bylaws must provide the method of calling meetings  
1086 of unit owners, including annual meetings. Written notice of an  
1087 annual meeting must include an agenda; be mailed, hand  
1088 delivered, or electronically transmitted to each unit owner at  
1089 least 14 days before the annual meeting; and be posted in a  
1090 conspicuous place on the condominium property or association  
1091 property at least 14 continuous days before the annual meeting.  
1092 Written notice of a meeting other than an annual meeting must  
1093 include an agenda; be mailed, hand delivered, or electronically  
1094 transmitted to each unit owner; and be posted in a conspicuous  
1095 place on the condominium property or association property within  
1096 the timeframe specified in the bylaws. If the bylaws do not  
1097 specify a timeframe for written notice of a meeting other than  
1098 an annual meeting, notice must be provided at least 14  
1099 continuous days before the meeting. Upon notice to the unit  
1100 owners, the board shall, by duly adopted rule, designate a  
1101 specific location on the condominium property or association  
1102 property at which ~~where~~ all notices of unit owner meetings must

196237 - h1021-strike-all.docx

Published On: 2/21/2024 8:08:39 PM

## Amendment No. 1

1103 | be posted. This requirement does not apply if there is no  
1104 | condominium property for posting notices. In lieu of, or in  
1105 | addition to, the physical posting of meeting notices, the  
1106 | association may, by reasonable rule, adopt a procedure for  
1107 | conspicuously posting and repeatedly broadcasting the notice and  
1108 | the agenda on a closed-circuit cable television system serving  
1109 | the condominium association. However, if broadcast notice is  
1110 | used in lieu of a notice posted physically on the condominium  
1111 | property, the notice and agenda must be broadcast at least four  
1112 | times every broadcast hour of each day that a posted notice is  
1113 | otherwise required under this section. If broadcast notice is  
1114 | provided, the notice and agenda must be broadcast in a manner  
1115 | and for a sufficient continuous length of time so as to allow an  
1116 | average reader to observe the notice and read and comprehend the  
1117 | entire content of the notice and the agenda. In addition to any  
1118 | of the authorized means of providing notice of a meeting of the  
1119 | board, the association may, by rule, adopt a procedure for  
1120 | conspicuously posting the meeting notice and the agenda on a  
1121 | website serving the condominium association for at least the  
1122 | minimum period of time for which a notice of a meeting is also  
1123 | required to be physically posted on the condominium property.  
1124 | Any rule adopted shall, in addition to other matters, include a  
1125 | requirement that the association send an electronic notice in  
1126 | the same manner as a notice for a meeting of the members, which  
1127 | must include a hyperlink to the website at which ~~where~~ the

196237 - h1021-strike-all.docx

Published On: 2/21/2024 8:08:39 PM

## Amendment No. 1

1128 notice is posted, to unit owners whose e-mail addresses are  
1129 included in the association's official records. Unless a unit  
1130 owner waives in writing the right to receive notice of the  
1131 annual meeting, such notice must be hand delivered, mailed, or  
1132 electronically transmitted to each unit owner. Notice for  
1133 meetings and notice for all other purposes must be mailed to  
1134 each unit owner at the address last furnished to the association  
1135 by the unit owner, or hand delivered to each unit owner.  
1136 However, if a unit is owned by more than one person, the  
1137 association must provide notice to the address that the  
1138 developer identifies for that purpose and thereafter as one or  
1139 more of the owners of the unit advise the association in  
1140 writing, or if no address is given or the owners of the unit do  
1141 not agree, to the address provided on the deed of record. An  
1142 officer of the association, or the manager or other person  
1143 providing notice of the association meeting, must provide an  
1144 affidavit or United States Postal Service certificate of  
1145 mailing, to be included in the official records of the  
1146 association affirming that the notice was mailed or hand  
1147 delivered in accordance with this provision.

1148 4. The members of the board of a residential condominium  
1149 shall be elected by written ballot or voting machine. Proxies  
1150 may not be used in electing the board in general elections or  
1151 elections to fill vacancies caused by recall, resignation, or  
1152 otherwise, unless otherwise provided in this chapter. This

Amendment No. 1

1153 subparagraph does not apply to an association governing a  
1154 timeshare condominium.

1155 a. At least 60 days before a scheduled election, the  
1156 association shall mail, deliver, or electronically transmit, by  
1157 separate association mailing or included in another association  
1158 mailing, delivery, or transmission, including regularly  
1159 published newsletters, to each unit owner entitled to a vote, a  
1160 first notice of the date of the election. A unit owner or other  
1161 eligible person desiring to be a candidate for the board must  
1162 give written notice of his or her intent to be a candidate to  
1163 the association at least 40 days before a scheduled election.  
1164 Together with the written notice and agenda as set forth in  
1165 subparagraph 3., the association shall mail, deliver, or  
1166 electronically transmit a second notice of the election to all  
1167 unit owners entitled to vote, together with a ballot that lists  
1168 all candidates not less than 14 days or more than 34 days before  
1169 the date of the election. Upon request of a candidate, an  
1170 information sheet, no larger than 8 1/2 inches by 11 inches,  
1171 which must be furnished by the candidate at least 35 days before  
1172 the election, must be included with the mailing, delivery, or  
1173 transmission of the ballot, with the costs of mailing, delivery,  
1174 or electronic transmission and copying to be borne by the  
1175 association. The association is not liable for the contents of  
1176 the information sheets prepared by the candidates. In order to  
1177 reduce costs, the association may print or duplicate the

196237 - h1021-strike-all.docx

Published On: 2/21/2024 8:08:39 PM



Amendment No. 1

1178 information sheets on both sides of the paper. The division  
1179 shall by rule establish voting procedures consistent with this  
1180 sub-subparagraph, including rules establishing procedures for  
1181 giving notice by electronic transmission and rules providing for  
1182 the secrecy of ballots. Elections shall be decided by a  
1183 plurality of ballots cast. There is no quorum requirement;  
1184 however, at least 20 percent of the eligible voters must cast a  
1185 ballot in order to have a valid election. A unit owner may not  
1186 authorize any other person to vote his or her ballot, and any  
1187 ballots improperly cast are invalid. A unit owner who violates  
1188 this provision may be fined by the association in accordance  
1189 with s. 718.303. A unit owner who needs assistance in casting  
1190 the ballot for the reasons stated in s. 101.051 may obtain such  
1191 assistance. The regular election must occur on the date of the  
1192 annual meeting. Notwithstanding this sub-subparagraph, an  
1193 election is not required unless more candidates file notices of  
1194 intent to run or are nominated than board vacancies exist.

1195 b. A director of a ~~Within 90 days after being elected or~~  
1196 ~~appointed to the~~ board of an association of a residential  
1197 condominium, ~~each newly elected or appointed director shall:~~

1198 (I) Certify in writing to the secretary of the association  
1199 that he or she has read the association's declaration of  
1200 condominium, articles of incorporation, bylaws, and current  
1201 written policies; that he or she will work to uphold such  
1202 documents and policies to the best of his or her ability; and

196237 - h1021-strike-all.docx

Published On: 2/21/2024 8:08:39 PM

Amendment No. 1

1203 that he or she will faithfully discharge his or her fiduciary  
1204 responsibility to the association's members.

1205 (II) Submit to the secretary of the association ~~In lieu of~~  
1206 ~~this written certification, within 90 days after being elected~~  
1207 ~~or appointed to the board, the newly elected or appointed~~  
1208 ~~director may submit~~ a certificate of having satisfactorily  
1209 completed the educational curriculum administered by the  
1210 division or a division-approved condominium education provider.  
1211 The educational curriculum must be at least 4 hours long and  
1212 include instruction on milestone inspections, structural  
1213 integrity reserve studies, recordkeeping, financial literacy and  
1214 transparency, levying of fines, and notice and meeting  
1215 requirements within 1 year before or 90 days after the date of  
1216 election or appointment.

1217  
1218 Each newly elected or appointed director must submit to the  
1219 secretary of the association the written certification and  
1220 educational certificate within 1 year before being elected or  
1221 appointed or 90 days after the date of election or appointment.

1222 A director of an association of a residential condominium who  
1223 was elected or appointed before July 1, 2024, must comply with  
1224 the written certification and educational certificate  
1225 requirements in this sub-subparagraph by June 30, 2025. The  
1226 written certification and ~~or~~ educational certificate is valid  
1227 for 7 years after the date of issuance and does not have to be

196237 - h1021-strike-all.docx

Published On: 2/21/2024 8:08:39 PM

Amendment No. 1

1228 resubmitted as long as the director serves on the board without  
1229 interruption during the 7-year period. A director who is  
1230 appointed by the developer may satisfy the educational  
1231 certificate requirement in sub-sub-subparagraph (II) for any  
1232 subsequent appointment to a board by a developer within 7 years  
1233 after the date of issuance of the most recent educational  
1234 certificate, including any interruption of service on a board or  
1235 appointment to a board in another association within that 7-year  
1236 period. One year after submission of the most recent written  
1237 certification and educational certificate, and annually  
1238 thereafter, a director of an association of a residential  
1239 condominium must submit to the secretary of the association a  
1240 certificate of having satisfactorily completed at least 1 hour  
1241 of continuing education administered by the division, or a  
1242 division-approved condominium education provider, relating to  
1243 any recent changes to this chapter and the related  
1244 administrative rules during the past year. A director of an  
1245 association of a residential condominium who fails to timely  
1246 file the written certification and ~~or~~ educational certificate is  
1247 suspended from service on the board until he or she complies  
1248 with this sub-subparagraph. The board may temporarily fill the  
1249 vacancy during the period of suspension. The secretary shall  
1250 cause the association to retain a director's written  
1251 certification and ~~or~~ educational certificate for inspection by  
1252 the members for 7 ~~5~~ years after a director's election or the

196237 - h1021-strike-all.docx

Published On: 2/21/2024 8:08:39 PM

Amendment No. 1

1253 duration of the director's uninterrupted tenure, whichever is  
1254 longer. Failure to have such written certification and ~~or~~  
1255 educational certificate on file does not affect the validity of  
1256 any board action.

1257 c. Any challenge to the election process must be commenced  
1258 within 60 days after the election results are announced.

1259 5. Any approval by unit owners called for by this chapter  
1260 or the applicable declaration or bylaws, including, but not  
1261 limited to, the approval requirement in s. 718.111(8), must be  
1262 made at a duly noticed meeting of unit owners and is subject to  
1263 all requirements of this chapter or the applicable condominium  
1264 documents relating to unit owner decision-making, except that  
1265 unit owners may take action by written agreement, without  
1266 meetings, on matters for which action by written agreement  
1267 without meetings is expressly allowed by the applicable bylaws  
1268 or declaration or any law that provides for such action.

1269 6. Unit owners may waive notice of specific meetings if  
1270 allowed by the applicable bylaws or declaration or any law.  
1271 Notice of meetings of the board of administration; unit owner  
1272 meetings, except unit owner meetings called to recall board  
1273 members under paragraph (1); and committee meetings may be given  
1274 by electronic transmission to unit owners who consent to receive  
1275 notice by electronic transmission. A unit owner who consents to  
1276 receiving notices by electronic transmission is solely  
1277 responsible for removing or bypassing filters that block receipt

196237 - h1021-strike-all.docx

Published On: 2/21/2024 8:08:39 PM

Amendment No. 1

1278 of mass e-mails sent to members on behalf of the association in  
1279 the course of giving electronic notices.

1280 7. Unit owners have the right to participate in meetings  
1281 of unit owners with reference to all designated agenda items.  
1282 However, the association may adopt reasonable rules governing  
1283 the frequency, duration, and manner of unit owner participation.

1284 8. A unit owner may tape record or videotape a meeting of  
1285 the unit owners subject to reasonable rules adopted by the  
1286 division.

1287 9. Unless otherwise provided in the bylaws, any vacancy  
1288 occurring on the board before the expiration of a term may be  
1289 filled by the affirmative vote of the majority of the remaining  
1290 directors, even if the remaining directors constitute less than  
1291 a quorum, or by the sole remaining director. In the alternative,  
1292 a board may hold an election to fill the vacancy, in which case  
1293 the election procedures must conform to sub-subparagraph 4.a.  
1294 unless the association governs 10 units or fewer and has opted  
1295 out of the statutory election process, in which case the bylaws  
1296 of the association control. Unless otherwise provided in the  
1297 bylaws, a board member appointed or elected under this section  
1298 shall fill the vacancy for the unexpired term of the seat being  
1299 filled. Filling vacancies created by recall is governed by  
1300 paragraph (1) and rules adopted by the division.

1301 10. This chapter does not limit the use of general or  
1302 limited proxies, require the use of general or limited proxies,

196237 - h1021-strike-all.docx

Published On: 2/21/2024 8:08:39 PM

Amendment No. 1

1303 or require the use of a written ballot or voting machine for any  
1304 agenda item or election at any meeting of a timeshare  
1305 condominium association or nonresidential condominium  
1306 association.

1307  
1308 Notwithstanding subparagraph (b)2. and sub-subparagraph 4.a., an  
1309 association of 10 or fewer units may, by affirmative vote of a  
1310 majority of the total voting interests, provide for different  
1311 voting and election procedures in its bylaws, which may be by a  
1312 proxy specifically delineating the different voting and election  
1313 procedures. The different voting and election procedures may  
1314 provide for elections to be conducted by limited or general  
1315 proxy.

1316 (f) *Annual budget.*—

1317 1. The proposed annual budget of estimated revenues and  
1318 expenses must be detailed and must show the amounts budgeted by  
1319 accounts and expense classifications, including, at a minimum,  
1320 any applicable expenses listed in s. 718.504(21). The board  
1321 shall adopt the annual budget at least 14 days before the start  
1322 of the association's fiscal year. In the event that the board  
1323 fails to timely adopt the annual budget a second time, it is  
1324 deemed a minor violation and the prior year's budget shall  
1325 continue in effect until a new budget is adopted. A  
1326 multicondominium association must adopt a separate budget of  
1327 common expenses for each condominium the association operates

196237 - h1021-strike-all.docx

Published On: 2/21/2024 8:08:39 PM

Amendment No. 1

1328 and must adopt a separate budget of common expenses for the  
1329 association. In addition, if the association maintains limited  
1330 common elements with the cost to be shared only by those  
1331 entitled to use the limited common elements as provided for in  
1332 s. 718.113(1), the budget or a schedule attached to it must show  
1333 the amount budgeted for this maintenance. If, after turnover of  
1334 control of the association to the unit owners, any of the  
1335 expenses listed in s. 718.504(21) are not applicable, they do  
1336 not need to be listed.

1337 2.a. In addition to annual operating expenses, the budget  
1338 must include reserve accounts for capital expenditures and  
1339 deferred maintenance. These accounts must include, but are not  
1340 limited to, roof replacement, building painting, and pavement  
1341 resurfacing, regardless of the amount of deferred maintenance  
1342 expense or replacement cost, and any other item that has a  
1343 deferred maintenance expense or replacement cost that exceeds  
1344 \$10,000. The amount to be reserved must be computed using a  
1345 formula based upon estimated remaining useful life and estimated  
1346 replacement cost or deferred maintenance expense of the reserve  
1347 item. In a budget adopted by an association that is required to  
1348 obtain a structural integrity reserve study, reserves must be  
1349 maintained for the items identified in paragraph (g) for which  
1350 the association is responsible pursuant to the declaration of  
1351 condominium, and the reserve amount for such items must be based  
1352 on the findings and recommendations of the association's most

196237 - h1021-strike-all.docx

Published On: 2/21/2024 8:08:39 PM

Amendment No. 1

1353 recent structural integrity reserve study. With respect to items  
1354 for which an estimate of useful life is not readily  
1355 ascertainable or with an estimated remaining useful life of  
1356 greater than 25 years, an association is not required to reserve  
1357 replacement costs for such items, but an association must  
1358 reserve the amount of deferred maintenance expense, if any,  
1359 which is recommended by the structural integrity reserve study  
1360 for such items. The association may adjust replacement reserve  
1361 assessments annually to take into account an inflation  
1362 adjustment and any changes in estimates or extension of the  
1363 useful life of a reserve item caused by deferred maintenance.  
1364 The members of a unit-owner-controlled association may  
1365 determine, by a majority vote of the total voting interests of  
1366 the association, to provide no reserves or less reserves than  
1367 required by this subsection. For a budget adopted on or after  
1368 December 31, 2024, the members of a unit-owner-controlled  
1369 association that must obtain a structural integrity reserve  
1370 study may not determine to provide no reserves or less reserves  
1371 than required by this subsection for items listed in paragraph  
1372 (g), except that members of an association operating a  
1373 multicondominium may determine to provide no reserves or less  
1374 reserves than required by this subsection if an alternative  
1375 funding method has been approved by the division. If the local  
1376 building official, as defined in s. 468.603, determines that the  
1377 entire condominium building is uninhabitable due to a natural

196237 - h1021-strike-all.docx

Published On: 2/21/2024 8:08:39 PM



Amendment No. 1

1378 emergency, as defined in s. 252.34, the board, upon the approval  
1379 of a majority of its members, may pause the contribution to its  
1380 reserves or reduce reserve funding until the local building  
1381 official determines that the condominium building is habitable.  
1382 Any reserve account funds held by the association may be  
1383 expended, pursuant to the board's determination, to make the  
1384 condominium building and its structures habitable. Upon the  
1385 determination by the local building official that the  
1386 condominium building is habitable, the association must  
1387 immediately resume contributing funds to its reserves.

1388       b. Before turnover of control of an association by a  
1389 developer to unit owners other than a developer under s.  
1390 718.301, the developer-controlled association may not vote to  
1391 waive the reserves or reduce funding of the reserves. If a  
1392 meeting of the unit owners has been called to determine whether  
1393 to waive or reduce the funding of reserves and no such result is  
1394 achieved or a quorum is not attained, the reserves included in  
1395 the budget shall go into effect. After the turnover, the  
1396 developer may vote its voting interest to waive or reduce the  
1397 funding of reserves.

1398       3. Reserve funds and any interest accruing thereon shall  
1399 remain in the reserve account or accounts, and may be used only  
1400 for authorized reserve expenditures unless their use for other  
1401 purposes is approved in advance by a majority vote of all the  
1402 total voting interests of the association. Before turnover of

196237 - h1021-strike-all.docx

Published On: 2/21/2024 8:08:39 PM

Amendment No. 1

1403 control of an association by a developer to unit owners other  
1404 than the developer pursuant to s. 718.301, the developer-  
1405 controlled association may not vote to use reserves for purposes  
1406 other than those for which they were intended. For a budget  
1407 adopted on or after December 31, 2024, members of a unit-owner-  
1408 controlled association that must obtain a structural integrity  
1409 reserve study may not vote to use reserve funds, or any interest  
1410 accruing thereon, for any other purpose other than the  
1411 replacement or deferred maintenance costs of the components  
1412 listed in paragraph (g).

1413 4. The only voting interests that are eligible to vote on  
1414 questions that involve waiving or reducing the funding of  
1415 reserves, or using existing reserve funds for purposes other  
1416 than purposes for which the reserves were intended, are the  
1417 voting interests of the units subject to assessment to fund the  
1418 reserves in question. Proxy questions relating to waiving or  
1419 reducing the funding of reserves or using existing reserve funds  
1420 for purposes other than purposes for which the reserves were  
1421 intended must contain the following statement in capitalized,  
1422 bold letters in a font size larger than any other used on the  
1423 face of the proxy ballot: WAIVING OF RESERVES, IN WHOLE OR IN  
1424 PART, OR ALLOWING ALTERNATIVE USES OF EXISTING RESERVES MAY  
1425 RESULT IN UNIT OWNER LIABILITY FOR PAYMENT OF UNANTICIPATED  
1426 SPECIAL ASSESSMENTS REGARDING THOSE ITEMS.

1427 (g) *Structural integrity reserve study.*—

196237 - h1021-strike-all.docx

Published On: 2/21/2024 8:08:39 PM

Amendment No. 1

1428 1. A residential condominium association must have a  
1429 structural integrity reserve study completed at least every 10  
1430 years after the condominium's creation for each building on the  
1431 condominium property that is three stories or higher in height,  
1432 as determined by the Florida Building Code, which includes, at a  
1433 minimum, a study of the following items as related to the  
1434 structural integrity and safety of the building:

1435 a. Roof.

1436 b. Structure, including load-bearing walls and other  
1437 primary structural members and primary structural systems as  
1438 those terms are defined in s. 627.706.

1439 c. Fireproofing and fire protection systems.

1440 d. Plumbing.

1441 e. Electrical systems.

1442 f. Waterproofing and exterior painting.

1443 g. Windows and exterior doors.

1444 h. Any other item that has a deferred maintenance expense  
1445 or replacement cost that exceeds \$10,000 and the failure to  
1446 replace or maintain such item negatively affects the items  
1447 listed in sub-subparagraphs a.-g., as determined by the visual  
1448 inspection portion of the structural integrity reserve study.

1449 2. A structural integrity reserve study is based on a  
1450 visual inspection of the condominium property. A structural  
1451 integrity reserve study may be performed by any person qualified  
1452 to perform such study. However, the visual inspection portion of

## Amendment No. 1

1453 the structural integrity reserve study must be performed or  
1454 verified by an engineer licensed under chapter 471, an architect  
1455 licensed under chapter 481, or a person certified as a reserve  
1456 specialist or professional reserve analyst by the Community  
1457 Associations Institute or the Association of Professional  
1458 Reserve Analysts.

1459 3. At a minimum, a structural integrity reserve study must  
1460 identify each item of the condominium property being visually  
1461 inspected, state the estimated remaining useful life and the  
1462 estimated replacement cost or deferred maintenance expense of  
1463 each item of the condominium property being visually inspected,  
1464 and provide a reserve funding schedule with a recommended annual  
1465 reserve amount that achieves the estimated replacement cost or  
1466 deferred maintenance expense of each item of condominium  
1467 property being visually inspected by the end of the estimated  
1468 remaining useful life of the item. The structural integrity  
1469 reserve study may recommend that reserves do not need to be  
1470 maintained for any item for which an estimate of useful life and  
1471 an estimate of replacement cost cannot be determined, or the  
1472 study may recommend a deferred maintenance expense amount for  
1473 such item. The structural integrity reserve study may recommend  
1474 that reserves for replacement costs do not need to be maintained  
1475 for any item with an estimated remaining useful life of greater  
1476 than 25 years, but the study may recommend a deferred  
1477 maintenance expense amount for such item.

196237 - h1021-strike-all.docx

Published On: 2/21/2024 8:08:39 PM

## Amendment No. 1

1478 4. This paragraph does not apply to buildings less than  
1479 three stories in height; single-family, two-family, or three-  
1480 family dwellings with three or fewer habitable stories above  
1481 ground; any portion or component of a building that has not been  
1482 submitted to the condominium form of ownership; or any portion  
1483 or component of a building that is maintained by a party other  
1484 than the association.

1485 5. Before a developer turns over control of an association  
1486 to unit owners other than the developer, the developer must have  
1487 a turnover inspection report in compliance with s. 718.301(4)(p)  
1488 and (q) for each building on the condominium property that is  
1489 three stories or higher in height.

1490 6. Associations existing on or before July 1, 2022, which  
1491 are controlled by unit owners other than the developer, must  
1492 have a structural integrity reserve study completed by December  
1493 31, 2024, for each building on the condominium property that is  
1494 three stories or higher in height. An association that is  
1495 required to complete a milestone inspection in accordance with  
1496 s. 553.899 on or before December 31, 2026, may complete the  
1497 structural integrity reserve study simultaneously with the  
1498 milestone inspection. In no event may the structural integrity  
1499 reserve study be completed after December 31, 2026.

1500 7. If the milestone inspection required by s. 553.899, or  
1501 an inspection completed for a similar local requirement, was  
1502 performed within the past 5 years and meets the requirements of

Amendment No. 1

1503 this paragraph, such inspection may be used in place of the  
1504 visual inspection portion of the structural integrity reserve  
1505 study.

1506 8. If the officers or directors of an association  
1507 willfully and knowingly fail to complete a structural integrity  
1508 reserve study pursuant to this paragraph, such failure is a  
1509 breach of an officer's and director's fiduciary relationship to  
1510 the unit owners under s. 718.111(1).

1511 9. Within 45 days after receiving the structural integrity  
1512 reserve study, the association must distribute a copy of the  
1513 study to each unit owner or deliver to each unit owner a notice  
1514 that the completed study is available for inspection and copying  
1515 upon a written request. Distribution of a copy of the study or  
1516 notice must be made by United States mail or personal delivery  
1517 to the mailing address, property address, or any other address  
1518 of the owner provided to fulfill the association's notice  
1519 requirements under this chapter, or by electronic transmission  
1520 to the e-mail address or facsimile number provided to fulfill  
1521 the association's notice requirements to unit owners who  
1522 previously consented to receive notice by electronic  
1523 transmission.

1524 10. Within 45 days after receiving the structural integrity  
1525 reserve study, the association must provide the division with a  
1526 statement indicating that such study was completed and that the  
1527 association provided or made available such study to each unit

196237 - h1021-strike-all.docx

Published On: 2/21/2024 8:08:39 PM

Amendment No. 1

1528 owner in accordance with this section. Such statement shall be  
1529 provided to the division in the manner provided by the division  
1530 using a form posted on the division's website.

1531 (q) *Director or officer offenses.*—

1532 1. A director or an officer charged by information or  
1533 indictment with any of the following crimes must be removed from  
1534 office:

1535 a. Forgery, as provided in s. 831.01, of a ballot envelope  
1536 or voting certificate used in a condominium association  
1537 election.

1538 b. Theft, as provided in s. 812.014, or embezzlement  
1539 involving the association's funds or property.

1540 c. Destruction of, or the refusal to allow inspection or  
1541 copying of, an official record of a condominium association  
1542 which is accessible to unit owners within the time periods  
1543 required by general law, in furtherance of any crime. Such act  
1544 constitutes tampering with physical evidence as provided in s.  
1545 918.13.

1546 d. Obstruction of justice under chapter 843.

1547 2. The board shall fill the vacancy in accordance with  
1548 paragraph (2) (d) a felony theft or embezzlement offense  
1549 involving the association's funds or property must be removed  
1550 from office, creating a vacancy in the office to be filled  
1551 according to law until the end of the period of the suspension  
1552 or the end of the director's term of office, whichever occurs

196237 - h1021-strike-all.docx

Published On: 2/21/2024 8:08:39 PM

Amendment No. 1

1553 first. While such director or officer has such criminal charge  
1554 pending, he or she may not be appointed or elected to a position  
1555 as a director or officer of any association and may not have  
1556 access to the official records of any association, except  
1557 pursuant to a court order. However, if the charges are resolved  
1558 without a finding of guilt, the director or officer shall be  
1559 reinstated for the remainder of his or her term of office, if  
1560 any.

1561 (r) Fraudulent voting activities relating to association  
1562 elections; penalties.-

1563 1. A person who engages in the following acts of  
1564 fraudulent voting activity relating to association elections  
1565 commits a misdemeanor of the first degree, punishable as  
1566 provided in s. 775.082 or s. 775.083:

1567 a. Willfully and falsely swearing to or affirming an oath  
1568 or affirmation, or willfully procuring another person to falsely  
1569 swear to or affirm an oath or affirmation, in connection with or  
1570 arising out of voting activities.

1571 b. Perpetrating or attempting to perpetrate, or aiding in  
1572 the perpetration of, fraud in connection with a vote cast, to be  
1573 cast, or attempted to be cast.

1574 c. Preventing a member from voting or preventing a member  
1575 from voting as he or she intended by fraudulently changing or  
1576 attempting to change a ballot, ballot envelope, vote, or voting  
1577 certificate of the member.

196237 - h1021-strike-all.docx

Published On: 2/21/2024 8:08:39 PM



Amendment No. 1

1578 d. Menacing, threatening, or using bribery or any other  
1579 corruption to attempt, directly or indirectly, to influence,  
1580 deceive, or deter a member when the member is voting.

1581 e. Giving or promising, directly or indirectly, anything  
1582 of value to another member with the intent to buy the vote of  
1583 that member or another member or to corruptly influence that  
1584 member or another member in casting his or her vote. This sub-  
1585 subparagraph does not apply to any food served which is to be  
1586 consumed at an election rally or a meeting or to any item of  
1587 nominal value which is used as an election advertisement,  
1588 including a campaign message designed to be worn by a member.

1589 f. Using or threatening to use, directly or indirectly,  
1590 force, violence, or intimidation or any tactic of coercion or  
1591 intimidation to induce or compel a member to vote or refrain  
1592 from voting in an election or on a particular ballot measure.

1593 2. Each of the following acts constitutes a misdemeanor of  
1594 the first degree, punishable as provided in s. 775.082 or s.  
1595 775.083:

1596 a. Knowingly aiding, abetting, or advising a person in the  
1597 commission of a fraudulent voting activity related to  
1598 association elections.

1599 b. Agreeing, conspiring, combining, or confederating with  
1600 at least one other person to commit a fraudulent voting activity  
1601 related to association elections.

Amendment No. 1

1602 c. Having knowledge of a fraudulent voting activity  
1603 related to association elections and giving any aid to the  
1604 offender with intent that the offender avoid or escape  
1605 detection, arrest, trial, or punishment. This sub-subparagraph  
1606 does not apply to a licensed attorney giving legal advice to a  
1607 client.

1608 Section 9. Subsection (5) of section 718.113, Florida  
1609 Statutes, is amended to read:

1610 718.113 Maintenance; limitation upon improvement; display  
1611 of flag; hurricane ~~shutters~~ and protection; display of religious  
1612 decorations.-

1613 (5) To protect the health, safety, and welfare of the  
1614 people of the state and to ensure uniformity and consistency in  
1615 the hurricane protections installed by condominium associations  
1616 and unit owners, this subsection applies to all residential and  
1617 mixed-use condominiums in the state, regardless of when the  
1618 condominium is created pursuant to the declaration of  
1619 condominium. Each board of administration of a residential  
1620 condominium or mixed-use condominium must ~~shall~~ adopt hurricane  
1621 protection ~~shutter~~ specifications for each building within each  
1622 condominium operated by the association which may ~~shall~~ include  
1623 color, style, and other factors deemed relevant by the board.  
1624 All specifications adopted by the board must comply with the  
1625 applicable building code. The installation, maintenance, repair,  
1626 replacement, and operation of hurricane protection in accordance

196237 - h1021-strike-all.docx

Published On: 2/21/2024 8:08:39 PM

Amendment No. 1

1627 with this subsection is not considered a material alteration or  
1628 substantial addition to the common elements or association  
1629 property within the meaning of this section.

1630 (a) The board may, subject to s. 718.3026 and the approval  
1631 of a majority of voting interests of the residential condominium  
1632 or mixed-use condominium, install or require that unit owners  
1633 install hurricane shutters, impact glass, code-compliant windows  
1634 or doors, or other types of code-compliant hurricane protection  
1635 that complies ~~comply~~ with or exceeds ~~exceed~~ the applicable  
1636 building code. A vote of the unit owners to require the  
1637 installation of hurricane protection must be set forth in a  
1638 certificate attesting to such vote and include the date that the  
1639 hurricane protection must be installed. The board must record  
1640 the certificate in the public records of the county in which the  
1641 condominium is located. Once the certificate is recorded, the  
1642 board must mail or hand deliver a copy of the recorded  
1643 certificate to the unit owners at the owners' addresses, as  
1644 reflected in the records of the association. The board may  
1645 provide to unit owners who previously consented to receive  
1646 notice by electronic transmission a copy of the recorded  
1647 certificate by electronic transmission. The failure to record  
1648 the certificate or send a copy of the recorded certificate to  
1649 the unit owners does not affect the validity or enforceability  
1650 of the vote of the unit owners. ~~However,~~ A vote of the unit  
1651 owners under this paragraph is not required if the installation,

196237 - h1021-strike-all.docx

Published On: 2/21/2024 8:08:39 PM

Amendment No. 1

1652 maintenance, repair, and replacement of the hurricane shutters,  
1653 ~~impact glass, code-compliant windows or doors, or other types of~~  
1654 ~~code-compliant hurricane protection, or any exterior windows,~~  
1655 ~~doors, or other apertures protected by the hurricane protection,~~  
1656 is are the responsibility of the association pursuant to the  
1657 declaration of condominium as originally recorded or as amended,  
1658 or if the unit owners are required to install hurricane  
1659 protection pursuant to the declaration of condominium as  
1660 originally recorded or as amended. If hurricane protection ~~or~~  
1661 ~~laminated glass or window film architecturally designed to~~  
1662 ~~function as hurricane protection~~ that complies with or exceeds  
1663 the current applicable building code has been previously  
1664 installed, the board may not install the same type of hurricane  
1665 ~~shutters, impact glass, code-compliant windows or doors, or~~  
1666 ~~other types of code-compliant hurricane protection~~ or require  
1667 that unit owners install the same type of hurricane protection  
1668 unless the installed hurricane protection has reached the end of  
1669 its useful life or unless it is necessary to prevent damage to  
1670 the common elements or to a unit ~~except upon approval by a~~  
1671 ~~majority vote of the voting interests.~~

1672 ~~(b) The association is responsible for the maintenance,~~  
1673 ~~repair, and replacement of the hurricane shutters, impact glass,~~  
1674 ~~code-compliant windows or doors, or other types of code-~~  
1675 ~~compliant hurricane protection authorized by this subsection if~~  
1676 ~~such property is the responsibility of the association pursuant-~~

196237 - h1021-strike-all.docx

Published On: 2/21/2024 8:08:39 PM

Amendment No. 1

1677 ~~to the declaration of condominium. If the hurricane shutters,~~  
1678 ~~impact glass, code-compliant windows or doors, or other types of~~  
1679 ~~code-compliant hurricane protection are the responsibility of~~  
1680 ~~the unit owners pursuant to the declaration of condominium, the~~  
1681 ~~maintenance, repair, and replacement of such items are the~~  
1682 ~~responsibility of the unit owner.~~

1683 ~~(b)(e)~~ The board may operate shutters, impact glass, code-  
1684 ~~compliant windows or doors, or other types of code-compliant~~  
1685 ~~hurricane protection installed pursuant to this subsection~~  
1686 ~~without permission of the unit owners only if such operation is~~  
1687 ~~necessary to preserve and protect the condominium property or~~  
1688 ~~and association property. The installation, replacement,~~  
1689 ~~operation, repair, and maintenance of such shutters, impact~~  
1690 ~~glass, code-compliant windows or doors, or other types of code-~~  
1691 ~~compliant hurricane protection in accordance with the procedures~~  
1692 ~~set forth in this paragraph are not a material alteration to the~~  
1693 ~~common elements or association property within the meaning of~~  
1694 ~~this section.~~

1695 ~~(c)(d)~~ Notwithstanding any other provision in the  
1696 residential condominium or mixed-use condominium documents, if  
1697 approval is required by the documents, a board may not refuse to  
1698 approve the installation or replacement of ~~hurricane shutters,~~  
1699 ~~impact glass, code-compliant windows or doors, or other types of~~  
1700 ~~code-compliant~~ hurricane protection by a unit owner which  
1701 conforms ~~conforming~~ to the specifications adopted by the board.

196237 - h1021-strike-all.docx

Published On: 2/21/2024 8:08:39 PM

Amendment No. 1

1702 However, a board may require the unit owner to adhere to an  
1703 existing unified building scheme regarding the external  
1704 appearance of the condominium.

1705 (d) A unit owner is not responsible for the cost of any  
1706 removal or reinstallation of hurricane protection, including  
1707 exterior windows, doors, or other apertures, if its removal is  
1708 necessary for the maintenance, repair, or replacement of other  
1709 condominium property or association property for which the  
1710 association is responsible. The board shall determine if the  
1711 removal or reinstallation of hurricane protection must be  
1712 completed by the unit owner or the association. If such removal  
1713 or reinstallation is completed by the association, the costs  
1714 incurred by the association may not be charged to the unit  
1715 owner. If such removal or reinstallation is completed by the  
1716 unit owner, the association must reimburse the unit owner for  
1717 the cost of the removal or reinstallation or the association  
1718 must apply a credit toward future assessments in the amount of  
1719 the unit owner's cost to remove or reinstall the hurricane  
1720 protection.

1721 (e) If the removal or reinstallation of hurricane  
1722 protection, including exterior windows, doors, or other  
1723 apertures, is the responsibility of the unit owner and the  
1724 association completes such removal or reinstallation and then  
1725 charges the unit owner for such removal or reinstallation, such

Amendment No. 1

1726 charges are enforceable as an assessment and may be collected in  
1727 the manner provided under s. 718.116.

1728 Section 10. Paragraph (e) of subsection (1) of section  
1729 718.115, Florida Statutes, is amended to read:

1730 718.115 Common expenses and common surplus.—

1731 (1)

1732 (e)1. Except as provided in s. 718.113(5) (d), ~~The expense~~  
1733 ~~of installation, replacement, operation, repair, and maintenance~~  
1734 ~~of hurricane shutters, impact glass, code-compliant windows or~~  
1735 ~~doors, or other types of code-compliant hurricane protection by~~  
1736 ~~the board pursuant to s. 718.113(5) constitutes a common expense~~  
1737 ~~and shall be collected as provided in this section if the~~  
1738 ~~association is responsible for the maintenance, repair, and~~  
1739 ~~replacement of the hurricane shutters, impact glass, code-~~  
1740 ~~compliant windows or doors, or other types of code-compliant~~  
1741 ~~hurricane protection pursuant to the declaration of condominium.~~  
1742 However, if the installation of maintenance, repair, and  
1743 replacement of the hurricane shutters, impact glass, code-  
1744 compliant windows or doors, or other types of code-compliant  
1745 hurricane protection is ~~are~~ the responsibility of the unit  
1746 owners pursuant to the declaration of condominium or a vote of  
1747 the unit owners under s. 718.113(5), the cost of the  
1748 installation of ~~the hurricane shutters, impact glass, code-~~  
1749 ~~compliant windows or doors, or other types of code-compliant~~  
1750 hurricane protection by the association is not a common expense

196237 - h1021-strike-all.docx

Published On: 2/21/2024 8:08:39 PM

Amendment No. 1

1751 and must ~~shall~~ be charged individually to the unit owners based  
1752 on the cost of installation of ~~the hurricane shutters, impact~~  
1753 ~~glass, code-compliant windows or doors, or other types of code-~~  
1754 ~~compliant~~ hurricane protection appurtenant to the unit. The  
1755 costs of installation of hurricane protection are enforceable as  
1756 an assessment and may be collected in the manner provided under  
1757 s. 718.116.

1758 2. Notwithstanding s. 718.116(9), and regardless of  
1759 whether ~~or not~~ the declaration requires the association or unit  
1760 owners to install, maintain, repair, or replace hurricane  
1761 ~~shutters, impact glass, code-compliant windows or doors, or~~  
1762 ~~other types of code-compliant~~ hurricane protection, the a unit  
1763 owner of a unit in which ~~who has previously installed hurricane~~  
1764 ~~shutters in accordance with s. 718.113(5) that comply with the~~  
1765 ~~current applicable building code shall receive a credit when the~~  
1766 ~~shutters are installed; a unit owner who has previously~~  
1767 ~~installed impact glass or code-compliant windows or doors that~~  
1768 ~~comply with the current applicable building code shall receive a~~  
1769 ~~credit when the impact glass or code-compliant windows or doors~~  
1770 ~~are installed; and a unit owner who has installed other types of~~  
1771 ~~code-compliant~~ hurricane protection that complies ~~comply~~ with  
1772 the current applicable building code has been installed is  
1773 excused from any assessment levied by the association or shall  
1774 receive a credit if ~~when~~ the same type of ~~other code-compliant~~  
1775 hurricane protection is installed by the association. A credit

196237 - h1021-strike-all.docx

Published On: 2/21/2024 8:08:39 PM



Amendment No. 1

1776 is applicable if the installation of hurricane protection is for  
1777 all other units that do not have hurricane protection and the  
1778 cost of such installation is funded by the association's budget,  
1779 including the use of reserve funds. The credit must be equal to  
1780 the amount that the unit owner would have been assessed to  
1781 install the hurricane protection, ~~and the credit shall be equal~~  
1782 ~~to the pro rata portion of the assessed installation cost~~  
1783 ~~assigned to each unit.~~ However, such unit owner remains  
1784 responsible for the pro rata share of expenses for hurricane  
1785 ~~shutters, impact glass, code-compliant windows or doors, or~~  
1786 ~~other types of code-compliant~~ hurricane protection installed on  
1787 common elements and association property by the board pursuant  
1788 to s. 718.113(5) and remains responsible for a pro rata share of  
1789 the expense of the replacement, operation, repair, and  
1790 maintenance of such ~~shutters, impact glass, code-compliant~~  
1791 ~~windows or doors, or other types of code-compliant~~ hurricane  
1792 protection. Expenses for the installation, replacement,  
1793 operation, repair, or maintenance of hurricane protection on  
1794 common elements and association property are common expenses.

1795 Section 11. Paragraph (a) of subsection (4) of section  
1796 718.121, Florida Statutes, is amended to read:

1797 718.121 Liens.—

1798 (4) (a) If an association sends out an invoice for  
1799 assessments or a unit's statement of the account described in s.  
1800 718.111(12)(a)11.c. ~~s. 718.111(12)(a)11.b.~~, the invoice for

196237 - h1021-strike-all.docx

Published On: 2/21/2024 8:08:39 PM

Amendment No. 1

1801 assessments or the unit's statement of account must be delivered  
1802 to the unit owner by first-class United States mail or by  
1803 electronic transmission to the unit owner's e-mail address  
1804 maintained in the association's official records.

1805 Section 12. Section 718.124, Florida Statutes, is amended  
1806 to read:

1807 718.124 Limitation on actions by association.—The statute  
1808 of limitations and repose for any actions in law or equity which  
1809 a condominium association or a cooperative association may have  
1810 shall not begin to run until the unit owners have elected a  
1811 majority of the members of the board of administration.

1812 Section 13. Section 718.1224, Florida Statutes, is amended  
1813 to read:

1814 718.1224 Prohibition against SLAPP suits; other prohibited  
1815 actions.—

1816 (1) It is the intent of the Legislature to protect the  
1817 right of condominium unit owners to exercise their rights to  
1818 instruct their representatives and petition for redress of  
1819 grievances before their condominium association and the various  
1820 governmental entities of this state as protected by the First  
1821 Amendment to the United States Constitution and s. 5, Art. I of  
1822 the State Constitution. The Legislature recognizes that  
1823 strategic lawsuits against public participation, or "SLAPP  
1824 suits," as they are typically referred to, have occurred when  
1825 association members are sued by condominium associations,

196237 - h1021-strike-all.docx

Published On: 2/21/2024 8:08:39 PM

Amendment No. 1

1826 individuals, business entities, or governmental entities arising  
1827 out of a condominium unit owner's appearance and presentation  
1828 before the board of the condominium association or a  
1829 governmental entity on matters related to the condominium  
1830 association. However, it is the public policy of this state that  
1831 condominium associations, governmental entities, business  
1832 organizations, and individuals not engage in SLAPP suits,  
1833 because such actions are inconsistent with the right of  
1834 condominium unit owners to participate in their condominium  
1835 association and in the state's institutions of government.  
1836 Therefore, the Legislature finds and declares that prohibiting  
1837 such lawsuits by condominium associations, governmental  
1838 entities, business entities, and individuals against condominium  
1839 unit owners who address matters concerning their condominium  
1840 association will preserve this fundamental state policy,  
1841 preserve the constitutional rights of condominium unit owners,  
1842 and ensure the continuation of representative government in this  
1843 state, and ensure unit owner participation in condominium  
1844 associations. It is the intent of the Legislature that such  
1845 lawsuits be expeditiously disposed of by the courts. As used in  
1846 this subsection, the term "governmental entity" means the state,  
1847 including the executive, legislative, and judicial branches of  
1848 government; law enforcement agencies; the independent  
1849 establishments of the state, counties, municipalities,

Amendment No. 1

1850 districts, authorities, boards, or commissions; or any agencies  
1851 of these branches that are subject to chapter 286.

1852 (2) A condominium association, governmental entity,  
1853 business organization, or individual in this state may not file  
1854 or cause to be filed through its employees or agents any  
1855 lawsuit, cause of action, claim, cross-claim, or counterclaim  
1856 against a condominium unit owner without merit and solely  
1857 because such condominium unit owner has exercised the right to  
1858 instruct his or her representatives or the right to petition for  
1859 redress of grievances before the condominium association or the  
1860 various governmental entities of this state, as protected by the  
1861 First Amendment to the United States Constitution and s. 5, Art.  
1862 I of the State Constitution.

1863 (3) It is unlawful for a condominium association to fine,  
1864 discriminatorily increase a unit owner's assessments,  
1865 discriminatorily decrease services to a unit owner, or bring or  
1866 threaten to bring an action for possession or other civil  
1867 action, including a defamation, libel, slander, or tortious  
1868 interference action, based on conduct described in this  
1869 subsection. In order for the unit owner to raise the defense of  
1870 retaliatory conduct, the unit owner must have acted in good  
1871 faith and not for any improper purposes, such as to harass or to  
1872 cause unnecessary delay or for frivolous purpose or needless  
1873 increase in the cost of litigation. Examples of conduct for  
1874 which a condominium association, an officer, a director, or an

196237 - h1021-strike-all.docx

Published On: 2/21/2024 8:08:39 PM

Amendment No. 1

1875 agent of an association may not retaliate include, but are not  
1876 limited to, situations in which:

1877 (a) The unit owner has in good faith complained to a  
1878 governmental agency charged with responsibility for enforcement  
1879 of a building, housing, or health code of a suspected violation  
1880 applicable to the condominium;

1881 (b) The unit owner has organized, encouraged, or  
1882 participated in a unit owners' organization;

1883 (c) The unit owner submitted information or filed a  
1884 complaint alleging criminal violations or violations of this  
1885 chapter or the rules of the division with the division, the  
1886 Office of the Condominium Ombudsman, a law enforcement agency, a  
1887 state attorney, the Attorney General, or any other governmental  
1888 agency;

1889 (d) The unit owner has exercised his or her rights under  
1890 this chapter;

1891 (e) The unit owner has complained to the association or  
1892 any of the association's representatives for the failure to  
1893 comply with this chapter or chapter 617; or

1894 (f) The unit owner has made public statements critical of  
1895 the operation or management of the association.

1896 (4) Evidence of retaliatory conduct may be raised by the  
1897 unit owner as a defense in any action brought against him or her  
1898 for possession.

Amendment No. 1

1899            ~~(5)-(3)~~ A condominium unit owner sued by a condominium  
1900 association, governmental entity, business organization, or  
1901 individual in violation of this section has a right to an  
1902 expeditious resolution of a claim that the suit is in violation  
1903 of this section. A condominium unit owner may petition the court  
1904 for an order dismissing the action or granting final judgment in  
1905 favor of that condominium unit owner. The petitioner may file a  
1906 motion for summary judgment, together with supplemental  
1907 affidavits, seeking a determination that the condominium  
1908 association's, governmental entity's, business organization's,  
1909 or individual's lawsuit has been brought in violation of this  
1910 section. The condominium association, governmental entity,  
1911 business organization, or individual shall thereafter file its  
1912 response and any supplemental affidavits. As soon as  
1913 practicable, the court shall set a hearing on the petitioner's  
1914 motion, which shall be held at the earliest possible time after  
1915 the filing of the condominium association's, governmental  
1916 entity's, business organization's, or individual's response. The  
1917 court may award the condominium unit owner sued by the  
1918 condominium association, governmental entity, business  
1919 organization, or individual actual damages arising from the  
1920 condominium association's, governmental entity's, individual's,  
1921 or business organization's violation of this section. A court  
1922 may treble the damages awarded to a prevailing condominium unit  
1923 owner and shall state the basis for the treble damages award in

196237 - h1021-strike-all.docx

Published On: 2/21/2024 8:08:39 PM

Amendment No. 1

1924 its judgment. The court shall award the prevailing party  
1925 reasonable attorney's fees and costs incurred in connection with  
1926 a claim that an action was filed in violation of this section.

1927 ~~(6)(4)~~ Condominium associations may not expend association  
1928 funds in prosecuting a SLAPP suit against a condominium unit  
1929 owner.

1930 (7) Condominium associations may not expend association  
1931 funds in support of a defamation, libel, slander, or tortious  
1932 interference action against a unit owner or any other claim  
1933 against a unit owner based on conduct described in subsection  
1934 (3).

1935 Section 14. Section 718.128, Florida Statutes, is amended  
1936 to read:

1937 718.128 Electronic voting.—The association may conduct  
1938 elections and other unit owner votes through an Internet-based  
1939 online voting system if a unit owner consents, electronically or  
1940 in writing, to online voting and if the following requirements  
1941 are met:

1942 (1) The association provides each unit owner with:

1943 (a) A method to authenticate the unit owner's identity to  
1944 the online voting system.

1945 (b) For elections of the board, a method to transmit an  
1946 electronic ballot to the online voting system that ensures the  
1947 secrecy and integrity of each ballot.

## Amendment No. 1

1948 (c) A method to confirm, at least 14 days before the  
1949 voting deadline, that the unit owner's electronic device can  
1950 successfully communicate with the online voting system.

1951 (2) The association uses an online voting system that is:

1952 (a) Able to authenticate the unit owner's identity.

1953 (b) Able to authenticate the validity of each electronic  
1954 vote to ensure that the vote is not altered in transit.

1955 (c) Able to transmit a receipt from the online voting  
1956 system to each unit owner who casts an electronic vote.

1957 (d) For elections of the board of administration, able to  
1958 permanently separate any authentication or identifying  
1959 information from the electronic election ballot, rendering it  
1960 impossible to tie an election ballot to a specific unit owner.

1961 (e) Able to store and keep electronic votes accessible to  
1962 election officials for recount, inspection, and review purposes.

1963 (3) A unit owner voting electronically pursuant to this  
1964 section shall be counted as being in attendance at the meeting  
1965 for purposes of determining a quorum. A substantive vote of the  
1966 unit owners may not be taken on any issue other than the issues  
1967 specifically identified in the electronic vote, when a quorum is  
1968 established based on unit owners voting electronically pursuant  
1969 to this section.

1970 (4) This section applies to an association that provides  
1971 for and authorizes an online voting system pursuant to this  
1972 section by a board resolution. If the board authorizes online



Amendment No. 1

1973 voting, the board must honor a unit owners' request to vote  
1974 electronically at all subsequent elections, unless such unit  
1975 owner opts-out of online voting. The board resolution must  
1976 provide that unit owners receive notice of the opportunity to  
1977 vote through an online voting system, must establish reasonable  
1978 procedures and deadlines for unit owners to consent,  
1979 electronically or in writing, to online voting, and must  
1980 establish reasonable procedures and deadlines for unit owners to  
1981 opt out of online voting after giving consent. Written notice of  
1982 a meeting at which the resolution will be considered must be  
1983 mailed, delivered, or electronically transmitted to the unit  
1984 owners and posted conspicuously on the condominium property or  
1985 association property at least 14 days before the meeting.  
1986 Evidence of compliance with the 14-day notice requirement must  
1987 be made by an affidavit executed by the person providing the  
1988 notice and filed with the official records of the association.

1989 (5) A unit owner's consent to online voting is valid until  
1990 the unit owner opts out of online voting according to the  
1991 procedures established by the board of administration pursuant  
1992 to subsection (4).

1993 (6) This section may apply to any matter that requires a  
1994 vote of the unit owners who are not members of a timeshare  
1995 condominium association.

1996 Section 15. Paragraph (p) of subsection (4) of section  
1997 718.301, Florida Statutes, is amended to read:

196237 - h1021-strike-all.docx

Published On: 2/21/2024 8:08:39 PM

Amendment No. 1

1998 718.301 Transfer of association control; claims of defect  
1999 by association.—

2000 (4) At the time that unit owners other than the developer  
2001 elect a majority of the members of the board of administration  
2002 of an association, the developer shall relinquish control of the  
2003 association, and the unit owners shall accept control.

2004 Simultaneously, or for the purposes of paragraph (c) not more  
2005 than 90 days thereafter, the developer shall deliver to the  
2006 association, at the developer's expense, all property of the  
2007 unit owners and of the association which is held or controlled  
2008 by the developer, including, but not limited to, the following  
2009 items, if applicable, as to each condominium operated by the  
2010 association:

2011 (p) Notwithstanding when the certificate of occupancy was  
2012 issued or the height of the building, a turnover inspection  
2013 report included in the official records, under seal of an  
2014 architect or engineer authorized to practice in this state or a  
2015 person certified as a reserve specialist or professional reserve  
2016 analyst by the Community Associations Institute or the  
2017 Association of Professional Reserve Analysts, and consisting of  
2018 a structural integrity reserve study attesting to required  
2019 maintenance, condition, useful life, and replacement costs of  
2020 the following applicable condominium property:

2021 1. Roof.

Amendment No. 1

2022 2. Structure, including load-bearing walls and primary  
2023 structural members and primary structural systems as those terms  
2024 are defined in s. 627.706.

2025 3. Fireproofing and fire protection systems.

2026 4. Plumbing.

2027 5. Electrical systems.

2028 6. Waterproofing and exterior painting.

2029 7. Windows and exterior doors.

2030 Section 17. Effective October 1, 2024, subsections (1) and  
2031 (3) of section 718.202, Florida Statutes, are amended to read:

2032 718.202 Sales or reservation deposits prior to closing.—

2033 (1) If a developer contracts to sell a condominium parcel  
2034 and the construction, furnishing, and landscaping of the  
2035 property submitted or proposed to be submitted to condominium  
2036 ownership has not been substantially completed in accordance  
2037 with the plans and specifications and representations made by  
2038 the developer in the disclosures required by this chapter, the  
2039 developer shall pay into an escrow account all payments up to 10  
2040 percent of the sale price received by the developer from the  
2041 buyer towards the sale price. The escrow agent shall give to the  
2042 purchaser a receipt for the deposit, upon request. In lieu of  
2043 the foregoing concerning residential condominiums, the division  
2044 director has the discretion to accept other assurances,  
2045 including, but not limited to, a surety bond or an irrevocable  
2046 letter of credit in an amount equal to the escrow requirements

196237 - h1021-strike-all.docx

Published On: 2/21/2024 8:08:39 PM

Amendment No. 1

2047 of this section. With respect to nonresidential condominiums,  
2048 the developer shall have the option of delivering to the escrow  
2049 agent a surety bond or an irrevocable letter of credit in an  
2050 amount equivalent to the aggregate of some or all of all  
2051 payments up to 10 percent of the sale price received by the  
2052 developer from all buyers towards the sale price, in all cases  
2053 the aggregate of initial 10 percent deposits monies being  
2054 released secured by a surety bond or irrevocable letter of  
2055 credit in an equivalent amount. Default determinations and  
2056 refund of deposits shall be governed by the escrow release  
2057 provision of this subsection. Funds shall be released from  
2058 escrow as follows:

2059 (a) If a buyer properly terminates the contract pursuant  
2060 to its terms or pursuant to this chapter, the funds shall be  
2061 paid to the buyer together with any interest earned.

2062 (b) If the buyer defaults in the performance of his or her  
2063 obligations under the contract of purchase and sale, the funds  
2064 shall be paid to the developer together with any interest  
2065 earned.

2066 (c) If the contract does not provide for the payment of  
2067 any interest earned on the escrowed funds, interest shall be  
2068 paid to the developer at the closing of the transaction.

2069 (d) If the funds of a buyer have not been previously  
2070 disbursed in accordance with the provisions of this subsection,  
2071 they may be disbursed to the developer by the escrow agent at

196237 - h1021-strike-all.docx

Published On: 2/21/2024 8:08:39 PM

Amendment No. 1

2072 the closing of the transaction, unless prior to the disbursement  
2073 the escrow agent receives from the buyer written notice of a  
2074 dispute between the buyer and developer.

2075 (3) If the contract for sale of the condominium unit so  
2076 provides, the developer may withdraw escrow funds in excess of  
2077 10 percent of the purchase price from the special account  
2078 required by subsection (2) when the construction of improvements  
2079 has begun. He or she may use the funds for the actual costs  
2080 incurred by the developer in the construction and development of  
2081 the condominium property in which the unit to be sold is located  
2082 or the easements and rights appurtenant thereto. For purposes of  
2083 this subsection, the term "actual costs" includes, but is not  
2084 limited to, expenditures for demolition, site clearing, permit  
2085 fees, impact fees, and utility reservation fees, as well as  
2086 architectural, engineering, and surveying fees that directly  
2087 relate to construction and development of the condominium  
2088 property or the easements and rights appurtenant thereto.  
2089 However, no part of these funds may be used for salaries,  
2090 commissions, or expenses of salespersons; for advertising,  
2091 marketing, or promotional purposes; or for loan fees and costs,  
2092 principal and interest on loans, attorney fees, accounting fees,  
2093 or insurance costs. A contract that ~~which~~ permits use of the  
2094 advance payments for these purposes must ~~shall~~ include the  
2095 following legend conspicuously printed or stamped in boldfaced  
2096 type on the first page of the contract and immediately above the

196237 - h1021-strike-all.docx

Published On: 2/21/2024 8:08:39 PM

Amendment No. 1

2097 place for the signature of the buyer: "ANY PAYMENT IN EXCESS OF  
2098 10 PERCENT OF THE PURCHASE PRICE MADE TO DEVELOPER PRIOR TO  
2099 CLOSING PURSUANT TO THIS CONTRACT MAY BE USED FOR CONSTRUCTION  
2100 PURPOSES BY THE DEVELOPER."

2101 Section 16. Subsections (4) and (5) of section 718.3027,  
2102 Florida Statutes, are amended to read:

2103 718.3027 Conflicts of interest.—

2104 (4) A director or an officer, or a relative of a director  
2105 or an officer, who is a party to, or has an interest in, an  
2106 activity that is a possible conflict of interest, as described  
2107 in subsection (1), may attend the meeting at which the activity  
2108 is considered by the board and is authorized to make a  
2109 presentation to the board regarding the activity. After the  
2110 presentation, the director or officer, and any ~~or the~~ relative  
2111 of the director or officer, must leave the meeting during the  
2112 discussion of, and the vote on, the activity. A director or an  
2113 officer who is a party to, or has an interest in, the activity  
2114 must recuse himself or herself from the vote. The attendance of  
2115 a director or an officer with a possible conflict of interest at  
2116 the meeting of the board is sufficient to constitute a quorum  
2117 for the meeting and the vote in his or her absence on the  
2118 proposed activity.

2119 (5) A contract entered into between a director or an  
2120 officer, or a relative of a director or an officer, and the  
2121 association, which is not a timeshare condominium association,

196237 - h1021-strike-all.docx

Published On: 2/21/2024 8:08:39 PM

Amendment No. 1

2122 that has not been properly disclosed as a conflict of interest  
2123 or potential conflict of interest as required by this section or  
2124 s. 617.0832 ~~s. 718.111(12)(g)~~ is voidable and terminates upon  
2125 the filing of a written notice terminating the contract with the  
2126 board of directors which contains the consent of at least 20  
2127 percent of the voting interests of the association.

2128 Section 17. Subsection (5) of section 718.303, Florida  
2129 Statutes, is amended to read:

2130 718.303 Obligations of owners and occupants; remedies.—

2131 (5) An association may suspend the voting rights of a unit  
2132 owner or member due to nonpayment of any fee, fine, or other  
2133 monetary obligation due to the association which is more than  
2134 \$1,000 and more than 90 days delinquent. Proof of such  
2135 obligation must be provided to the unit owner or member 30 days  
2136 before such suspension takes effect. At least 90 days before an  
2137 election, an association must notify a unit owner or member that  
2138 his or her voting rights may be suspended due to a nonpayment of  
2139 a fee or other monetary obligation. A voting interest or consent  
2140 right allocated to a unit owner or member which has been  
2141 suspended by the association shall be subtracted from the total  
2142 number of voting interests in the association, which shall be  
2143 reduced by the number of suspended voting interests when  
2144 calculating the total percentage or number of all voting  
2145 interests available to take or approve any action, and the  
2146 suspended voting interests shall not be considered for any

196237 - h1021-strike-all.docx

Published On: 2/21/2024 8:08:39 PM

Amendment No. 1

2147 purpose, including, but not limited to, the percentage or number  
2148 of voting interests necessary to constitute a quorum, the  
2149 percentage or number of voting interests required to conduct an  
2150 election, or the percentage or number of voting interests  
2151 required to approve an action under this chapter or pursuant to  
2152 the declaration, articles of incorporation, or bylaws. The  
2153 suspension ends upon full payment of all obligations currently  
2154 due or overdue the association. The notice and hearing  
2155 requirements under subsection (3) do not apply to a suspension  
2156 imposed under this subsection.

2157 Section 20. Effective October 1, 2024, section 718.407,  
2158 Florida Statutes, is created to read:

2159 718.407 Condominiums created within a portion of a  
2160 building or within a multiple parcel building.-

2161 (1) Notwithstanding s. 718.103(12) or s. 718.108(1), a  
2162 condominium may be created within a portion of a building or  
2163 within a multiple parcel building, as defined in s. 193.0237(1),  
2164 as provided in this section.

2165 (2) Notwithstanding s. 718.103(12) or s. 718.108(1), the  
2166 common elements of a condominium created within a portion of a  
2167 building or a multiple parcel building are only those portions  
2168 of the building submitted to the condominium form of ownership,  
2169 excluding the units of such condominium.

2170 (3) The declaration of condominium that creates a  
2171 condominium within a portion of a building or within a multiple



Amendment No. 1

2172 parcel building, the recorded instrument that creates the  
2173 multiple parcel building, or any other recorded instrument  
2174 applicable under this section must specify all of the following:

2175 (a) The portions of the building which are included in the  
2176 condominium and the portions of the building which are excluded.

2177 (b) The party responsible for maintaining and operating  
2178 those portions of the building which are shared facilities, and  
2179 which may include, among other things, the roof, the exterior of  
2180 the building, windows, balconies, elevators, the building lobby,  
2181 corridors, recreational amenities, and utilities.

2182 (c)1. The manner in which the expenses for the maintenance  
2183 and operation of the shared facilities will be apportioned. An  
2184 owner of a portion of a building which is not submitted to  
2185 condominium form of ownership, or the condominium association,  
2186 as applicable to the portion of the building submitted to  
2187 condominium form of ownership, must approve any increase in the  
2188 apportionment of expenses to such portion of the building. The  
2189 apportionment of the expenses for the maintenance and operation  
2190 of the shared facilities may be based on any of the following  
2191 criteria or any combination thereof:

2192 a. The area or volume of each portion of the building in  
2193 relation to the total area or volume of the entire building,  
2194 exclusive of the shared facilities.

Amendment No. 1

2195 b. The initial estimated market value of each portion of  
2196 the building in comparison to the total initial estimated market  
2197 value of the entire building.

2198 c. The extent to which the owners are permitted to use  
2199 various shared facilities.

2200 2. This paragraph does not preclude an alternative  
2201 apportionment of expenses provided that the apportionment is  
2202 stated in the declaration of condominium that creates a  
2203 condominium within a portion of a building or within a multiple  
2204 parcel building, the recorded instrument that creates the  
2205 multiple parcel building, or any other recorded instrument  
2206 applicable under this section.

2207 (d) The party responsible for collecting the shared  
2208 expenses.

2209 (e) The rights and remedies that are available to enforce  
2210 payment of the shared expenses.

2211 (4) The association of a condominium subject to this  
2212 section has the right to inspect and copy the books and records  
2213 upon which the costs for maintaining and operating the shared  
2214 facilities are based and to receive an annual budget with  
2215 respect to such costs.

2216 (5) Each contract for the sale of a unit in a condominium  
2217 subject to this section must contain in conspicuous type a  
2218 clause that substantially states:

2219 DISCLOSURE SUMMARY

196237 - h1021-strike-all.docx

Published On: 2/21/2024 8:08:39 PM

Amendment No. 1

2220 THE CONDOMINIUM IN WHICH YOUR UNIT IS LOCATED IS CREATED WITHIN  
2221 A PORTION OF A BUILDING OR WITHIN A MULTIPLE PARCEL BUILDING.  
2222 THE COMMON ELEMENTS OF THE CONDOMINIUM CONSIST ONLY OF THE  
2223 PORTIONS OF THE BUILDING SUBMITTED TO THE CONDOMINIUM.  
2224  
2225 BUYER ACKNOWLEDGES:  
2226  
2227 1) THE CONDOMINIUM MAY HAVE MINIMAL COMMON ELEMENTS.  
2228 2) PORTIONS OF THE BUILDING THAT ARE NOT INCLUDED IN THE  
2229 CONDOMINIUM ARE (OR WILL BE) GOVERNED BY A SEPARATE RECORDED  
2230 INSTRUMENT. SUCH INSTRUMENT CONTAINS IMPORTANT PROVISIONS AND  
2231 RIGHTS AND IS (OR WILL BE) AVAILABLE IN PUBLIC RECORDS.  
2232 3) THE PARTY THAT CONTROLS THE MAINTENANCE AND OPERATION OF THE  
2233 PORTIONS OF THE BUILDING THAT ARE NOT INCLUDED IN THE  
2234 CONDOMINIUM DETERMINES THE BUDGET FOR THE OPERATION AND  
2235 MAINTENANCE OF SUCH PORTIONS; HOWEVER, THE ASSOCIATION AND UNIT  
2236 OWNERS ARE STILL RESPONSIBLE FOR THEIR SHARE OF SUCH EXPENSES.  
2237 4) THE ALLOCATION BETWEEN THE UNIT OWNERS AND THE OWNERS OF THE  
2238 PORTIONS OF THE BUILDING THAT ARE NOT INCLUDED IN THE  
2239 CONDOMINIUM OF THE COSTS TO MAINTAIN AND OPERATE THE BUILDING  
2240 CAN BE FOUND IN THE DECLARATION OF CONDOMINIUM OR OTHER RECORDED  
2241 INSTRUMENT.  
2242 (6) The creation of a multiple parcel building is not a  
2243 subdivision of the land upon which such building is situated  
2244 provided the land itself is not subdivided.

196237 - h1021-strike-all.docx

Published On: 2/21/2024 8:08:39 PM

Amendment No. 1

2245 Section 21. Subsections (1) and (2) of section 718.501,  
2246 Florida Statutes, are amended to read:

2247 718.501 Authority, responsibility, and duties of Division  
2248 of Florida Condominiums, Timeshares, and Mobile Homes.—

2249 (1) The division may enforce and ensure compliance with  
2250 this chapter and rules relating to the development,  
2251 construction, sale, lease, ownership, operation, and management  
2252 of residential condominium units and complaints related to the  
2253 procedural completion of milestone inspections under s. 553.899.  
2254 In performing its duties, the division has complete jurisdiction  
2255 to investigate complaints and enforce compliance with respect to  
2256 associations that are still under developer control or the  
2257 control of a bulk assignee or bulk buyer pursuant to part VII of  
2258 this chapter and complaints against developers, bulk assignees,  
2259 or bulk buyers involving improper turnover or failure to  
2260 turnover, pursuant to s. 718.301. However, after turnover has  
2261 occurred, the division has jurisdiction to investigate  
2262 complaints related only to:

2263 (a)1. Procedural aspects and records related to financial  
2264 issues, including annual financial reporting under s.  
2265 718.111(13), assessments for common expenses, fines, and  
2266 commingling of reserve and operating funds under in s.  
2267 718.111(14), use of debit cards for other than intended purposes  
2268 under s. 718.111(15), the annual operating budget and the  
2269 allocation of reserve funds under s. 718.112(2)(f), and

196237 - h1021-strike-all.docx

Published On: 2/21/2024 8:08:39 PM

Amendment No. 1

2270 financial records under s. 718.111(12) (a)11, and any other  
2271 record necessary to determine the revenues and expenses of the  
2272 association;~~7~~

2273 2. Elections, including election and voting requirements  
2274 under s. 718.112(2) (b) and (d), recall of board members under  
2275 718.112(2) (1), electronic voting under s. 718.128, and elections  
2276 that occur during an emergency under s. 718.1265(1) (a);~~7~~ and

2277 3. The maintenance of and unit owner access to association  
2278 records under s. 718.111(12);~~7~~

2279 4. The procedural aspects of meetings, such as, unit owner  
2280 meetings, quorums, voting requirements, proxies, board of  
2281 administration meetings, and budget meetings under s.  
2282 718.112(2);

2283 5. Disclosure of conflicts of interest under ss.  
2284 718.111(1) (a) and s. 718.3027, including limitations contained  
2285 in s. 718.111(3) (f);

2286 6. Removal of a board director or officer under ss.  
2287 718.111(1) (a) and (15), and 718.112(2) (p) and (q) and;

2288 7. The procedural completion of structural integrity  
2289 reserve studies under s. 718.112(2) (g); and

2290 8. Any written inquiries by unit owners to the association  
2291 relating to such matters, including written inquiries under s.  
2292 718.112(2) (a)2.

2293 ~~(a)~~1. The division may make necessary public or private  
2294 investigations within or outside this state to determine whether

Amendment No. 1

2295 any person has violated this chapter or any rule or order  
2296 hereunder, to aid in the enforcement of this chapter, or to aid  
2297 in the adoption of rules or forms.

2298 2. The division may submit any official written report,  
2299 worksheet, or other related paper, or a duly certified copy  
2300 thereof, compiled, prepared, drafted, or otherwise made by and  
2301 duly authenticated by a financial examiner or analyst to be  
2302 admitted as competent evidence in any hearing in which the  
2303 financial examiner or analyst is available for cross-examination  
2304 and attests under oath that such documents were prepared as a  
2305 result of an examination or inspection conducted pursuant to  
2306 this chapter.

2307 (~~bc~~) The division may require or permit any person to file  
2308 a statement in writing, under oath or otherwise, as the division  
2309 determines, as to the facts and circumstances concerning a  
2310 matter to be investigated.

2311 (~~ed~~) For the purpose of any investigation under this  
2312 chapter, the division director or any officer or employee  
2313 designated by the division director may administer oaths or  
2314 affirmations, subpoena witnesses and compel their attendance,  
2315 take evidence, and require the production of any matter which is  
2316 relevant to the investigation, including the existence,  
2317 description, nature, custody, condition, and location of any  
2318 books, documents, or other tangible things and the identity and  
2319 location of persons having knowledge of relevant facts or any

196237 - h1021-strike-all.docx

Published On: 2/21/2024 8:08:39 PM

Amendment No. 1

2320 other matter reasonably calculated to lead to the discovery of  
2321 material evidence. Upon the failure by a person to obey a  
2322 subpoena or to answer questions propounded by the investigating  
2323 officer and upon reasonable notice to all affected persons, the  
2324 division may apply to the circuit court for an order compelling  
2325 compliance.

2326 (~~de~~) Notwithstanding any remedies available to unit owners  
2327 and associations, if the division has reasonable cause to  
2328 believe that a violation of any provision of this chapter or  
2329 related rule has occurred, the division may institute  
2330 enforcement proceedings in its own name against any developer,  
2331 bulk assignee, bulk buyer, association, officer, or member of  
2332 the board of administration, or its assignees or agents, as  
2333 follows:

2334 1. The division may permit a person whose conduct or  
2335 actions may be under investigation to waive formal proceedings  
2336 and enter into a consent proceeding whereby orders, rules, or  
2337 letters of censure or warning, whether formal or informal, may  
2338 be entered against the person.

2339 2. The division may issue an order requiring the  
2340 developer, bulk assignee, bulk buyer, association, developer-  
2341 designated officer, or developer-designated member of the board  
2342 of administration, developer-designated assignees or agents,  
2343 bulk assignee-designated assignees or agents, bulk buyer-  
2344 designated assignees or agents, community association manager,

196237 - h1021-strike-all.docx

Published On: 2/21/2024 8:08:39 PM

Amendment No. 1

2345 or community association management firm to cease and desist  
2346 from the unlawful practice and take such affirmative action as  
2347 in the judgment of the division carry out the purposes of this  
2348 chapter. If the division finds that a developer, bulk assignee,  
2349 bulk buyer, association, officer, or member of the board of  
2350 administration, or its assignees or agents, is violating or is  
2351 about to violate any provision of this chapter, any rule adopted  
2352 or order issued by the division, or any written agreement  
2353 entered into with the division, and presents an immediate danger  
2354 to the public requiring an immediate final order, it may issue  
2355 an emergency cease and desist order reciting with particularity  
2356 the facts underlying such findings. The emergency cease and  
2357 desist order is effective for 90 days. If the division begins  
2358 nonemergency cease and desist proceedings, the emergency cease  
2359 and desist order remains effective until the conclusion of the  
2360 proceedings under ss. 120.569 and 120.57.

2361 3. If a developer, bulk assignee, or bulk buyer fails to  
2362 pay any restitution determined by the division to be owed, plus  
2363 any accrued interest at the highest rate permitted by law,  
2364 within 30 days after expiration of any appellate time period of  
2365 a final order requiring payment of restitution or the conclusion  
2366 of any appeal thereof, whichever is later, the division must  
2367 bring an action in circuit or county court on behalf of any  
2368 association, class of unit owners, lessees, or purchasers for  
2369 restitution, declaratory relief, injunctive relief, or any other

196237 - h1021-strike-all.docx

Published On: 2/21/2024 8:08:39 PM



Amendment No. 1

2370 available remedy. The division may also temporarily revoke its  
2371 acceptance of the filing for the developer to which the  
2372 restitution relates until payment of restitution is made.

2373 4. The division may petition the court for appointment of  
2374 a receiver or conservator. If appointed, the receiver or  
2375 conservator may take action to implement the court order to  
2376 ensure the performance of the order and to remedy any breach  
2377 thereof. In addition to all other means provided by law for the  
2378 enforcement of an injunction or temporary restraining order, the  
2379 circuit court may impound or sequester the property of a party  
2380 defendant, including books, papers, documents, and related  
2381 records, and allow the examination and use of the property by  
2382 the division and a court-appointed receiver or conservator.

2383 5. The division may apply to the circuit court for an  
2384 order of restitution whereby the defendant in an action brought  
2385 under subparagraph 4. is ordered to make restitution of those  
2386 sums shown by the division to have been obtained by the  
2387 defendant in violation of this chapter. At the option of the  
2388 court, such restitution is payable to the conservator or  
2389 receiver appointed under subparagraph 4. or directly to the  
2390 persons whose funds or assets were obtained in violation of this  
2391 chapter.

2392 6. The division may impose a civil penalty against a  
2393 developer, bulk assignee, or bulk buyer, or association, or its  
2394 assignee or agent, for any violation of this chapter or related

196237 - h1021-strike-all.docx

Published On: 2/21/2024 8:08:39 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1021 (2024)

Amendment No. 1

2395 rule. The division may impose a civil penalty individually  
2396 against an officer or board member who willfully and knowingly  
2397 violates this chapter, an adopted rule, or a final order of the  
2398 division; may order the removal of such individual as an officer  
2399 or from the board of administration or as an officer of the  
2400 association; and may prohibit such individual from serving as an  
2401 officer or on the board of a community association for a period  
2402 of time. The term "willfully and knowingly" means that the  
2403 division informed the officer or board member that his or her  
2404 action or intended action violates this chapter, a rule adopted  
2405 under this chapter, or a final order of the division and that  
2406 the officer or board member refused to comply with the  
2407 requirements of this chapter, a rule adopted under this chapter,  
2408 or a final order of the division. The division, before  
2409 initiating formal agency action under chapter 120, must afford  
2410 the officer or board member an opportunity to voluntarily  
2411 comply, and an officer or board member who complies within 10  
2412 days is not subject to a civil penalty. A penalty may be imposed  
2413 on the basis of each day of continuing violation, but the  
2414 penalty for any offense may not exceed \$5,000. The division  
2415 shall adopt, by rule, penalty guidelines applicable to possible  
2416 violations or to categories of violations of this chapter or  
2417 rules adopted by the division. The guidelines must specify a  
2418 meaningful range of civil penalties for each such violation of  
2419 the statute and rules and must be based upon the harm caused by

196237 - h1021-strike-all.docx

Published On: 2/21/2024 8:08:39 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1021 (2024)

Amendment No. 1

2420 the violation, upon the repetition of the violation, and upon  
2421 such other factors deemed relevant by the division. For example,  
2422 the division may consider whether the violations were committed  
2423 by a developer, bulk assignee, or bulk buyer, or owner-  
2424 controlled association, the size of the association, and other  
2425 factors. The guidelines must designate the possible mitigating  
2426 or aggravating circumstances that justify a departure from the  
2427 range of penalties provided by the rules. It is the legislative  
2428 intent that minor violations be distinguished from those which  
2429 endanger the health, safety, or welfare of the condominium  
2430 residents or other persons and that such guidelines provide  
2431 reasonable and meaningful notice to the public of likely  
2432 penalties that may be imposed for proscribed conduct. This  
2433 subsection does not limit the ability of the division to  
2434 informally dispose of administrative actions or complaints by  
2435 stipulation, agreed settlement, or consent order. All amounts  
2436 collected shall be deposited with the Chief Financial Officer to  
2437 the credit of the Division of Florida Condominiums, Timeshares,  
2438 and Mobile Homes Trust Fund. If a developer, bulk assignee, or  
2439 bulk buyer fails to pay the civil penalty and the amount deemed  
2440 to be owed to the association, the division shall issue an order  
2441 directing that such developer, bulk assignee, or bulk buyer  
2442 cease and desist from further operation until such time as the  
2443 civil penalty is paid or may pursue enforcement of the penalty  
2444 in a court of competent jurisdiction. If an association fails to

196237 - h1021-strike-all.docx

Published On: 2/21/2024 8:08:39 PM

Amendment No. 1

2445 pay the civil penalty, the division shall pursue enforcement in  
2446 a court of competent jurisdiction, and the order imposing the  
2447 civil penalty or the cease and desist order is not effective  
2448 until 20 days after the date of such order. Any action commenced  
2449 by the division shall be brought in the county in which the  
2450 division has its executive offices or in the county in which  
2451 ~~where~~ the violation occurred.

2452 7. If a unit owner presents the division with proof that  
2453 the unit owner has requested access to official records in  
2454 writing by certified mail, and that after 10 days the unit owner  
2455 again made the same request for access to official records in  
2456 writing by certified mail, and that more than 10 days has  
2457 elapsed since the second request and the association has still  
2458 failed or refused to provide access to official records as  
2459 required by this chapter, the division shall issue a subpoena  
2460 requiring production of the requested records at the location in  
2461 which ~~where~~ the records are kept pursuant to s. 718.112. Upon  
2462 receipt of the records, the division must provide to the unit  
2463 owner who was denied access to such records the produced  
2464 official records without charge.

2465 8. In addition to subparagraph 6., the division may seek  
2466 the imposition of a civil penalty through the circuit court for  
2467 any violation for which the division may issue a notice to show  
2468 cause under paragraph (r). The civil penalty shall be at least  
2469 \$500 but no more than \$5,000 for each violation. The court may

Amendment No. 1

2470 also award to the prevailing party court costs and reasonable  
2471 attorney fees and, if the division prevails, may also award  
2472 reasonable costs of investigation.

2473 9. The division may issue citations and promulgate rules to  
2474 provide for citation bases and citation procedures in accordance  
2475 with this section.

2476 (ef) The division may prepare and disseminate a prospectus  
2477 and other information to assist prospective owners, purchasers,  
2478 lessees, and developers of residential condominiums in assessing  
2479 the rights, privileges, and duties pertaining thereto.

2480 (fg) The division may adopt rules to administer and  
2481 enforce this chapter.

2482 (gh) The division shall establish procedures for providing  
2483 notice to an association and the developer, bulk assignee, or  
2484 bulk buyer during the period in which the developer, bulk  
2485 assignee, or bulk buyer controls the association if the division  
2486 is considering the issuance of a declaratory statement with  
2487 respect to the declaration of condominium or any related  
2488 document governing such condominium community.

2489 (hi) The division shall furnish each association that pays  
2490 the fees required by paragraph (2)(a) a copy of this chapter, as  
2491 amended, and the rules adopted thereto on an annual basis.

2492 (ij) The division shall annually provide each association  
2493 with a summary of declaratory statements and formal legal

Amendment No. 1

2494 opinions relating to the operations of condominiums which were  
2495 rendered by the division during the previous year.

2496 (j~~k~~) The division shall provide training and educational  
2497 programs for condominium association board members and unit  
2498 owners. The training may, in the division's discretion, include  
2499 web-based electronic media and live training and seminars in  
2500 various locations throughout the state. The division may review  
2501 and approve education and training programs for board members  
2502 and unit owners offered by providers and shall maintain a  
2503 current list of approved programs and providers and make such  
2504 list available to board members and unit owners in a reasonable  
2505 and cost-effective manner. The division shall provide the  
2506 division-approved provider with the template certificate for  
2507 issuance directly to the association board of directors who have  
2508 satisfactorily completed the requirements under s.  
2509 718.112(2)(d). The division shall have rulemaking authority to  
2510 implement this section.

2511 (k~~l~~) The division shall maintain a toll-free telephone  
2512 number accessible to condominium unit owners.

2513 (l~~m~~) The division shall develop a program to certify both  
2514 volunteer and paid mediators to provide mediation of condominium  
2515 disputes. The division shall provide, upon request, a list of  
2516 such mediators to any association, unit owner, or other  
2517 participant in alternative dispute resolution proceedings under  
2518 s. 718.1255 requesting a copy of the list. The division shall

196237 - h1021-strike-all.docx

Published On: 2/21/2024 8:08:39 PM

## Amendment No. 1

2519 include on the list of volunteer mediators only the names of  
2520 persons who have received at least 20 hours of training in  
2521 mediation techniques or who have mediated at least 20 disputes.  
2522 In order to become initially certified by the division, paid  
2523 mediators must be certified by the Supreme Court to mediate  
2524 court cases in county or circuit courts. However, the division  
2525 may adopt, by rule, additional factors for the certification of  
2526 paid mediators, which must be related to experience, education,  
2527 or background. Any person initially certified as a paid mediator  
2528 by the division must, in order to continue to be certified,  
2529 comply with the factors or requirements adopted by rule.

2530 (m) If a complaint is made, the division must conduct its  
2531 inquiry with due regard for the interests of the affected  
2532 parties. Within 30 days after receipt of a complaint, the  
2533 division shall acknowledge the complaint in writing and notify  
2534 the complainant whether the complaint is within the jurisdiction  
2535 of the division and whether additional information is needed by  
2536 the division from the complainant. The division shall conduct  
2537 its investigation and, within 90 days after receipt of the  
2538 original complaint or of timely requested additional  
2539 information, take action upon the complaint. However, the  
2540 failure to complete the investigation within 90 days does not  
2541 prevent the division from continuing the investigation,  
2542 accepting or considering evidence obtained or received after 90  
2543 days, or taking administrative action if reasonable cause exists

Amendment No. 1

2544 to believe that a violation of this chapter or a rule has  
2545 occurred. If an investigation is not completed within the time  
2546 limits established in this paragraph, the division shall, on a  
2547 monthly basis, notify the complainant in writing of the status  
2548 of the investigation. When reporting its action to the  
2549 complainant, the division shall inform the complainant of any  
2550 right to a hearing under ss. 120.569 and 120.57. The division  
2551 may adopt rules regarding the submission of a complaint against  
2552 an association.

2553 (o) ~~(n)~~ Condominium association directors, officers, and  
2554 employees; condominium developers; bulk assignees, bulk buyers,  
2555 and community association managers; and community association  
2556 management firms have an ongoing duty to reasonably cooperate  
2557 with the division in any investigation under this section. The  
2558 division shall refer to local law enforcement authorities any  
2559 person whom the division believes has altered, destroyed,  
2560 concealed, or removed any record, document, or thing required to  
2561 be kept or maintained by this chapter with the purpose to impair  
2562 its verity or availability in the department's investigation.  
2563 The division shall refer to local law enforcement authorities  
2564 any person whom the division believes has engaged in fraud,  
2565 theft, embezzlement, or other criminal activity or when the  
2566 division has cause to believe that fraud, theft, embezzlement,  
2567 or other criminal activity has occurred.



Amendment No. 1

2568        (p) The division director or any officer or employee of  
2569 the division and the condominium ombudsman or any employee of  
2570 the Office of the Condominium Ombudsman may attend and observe  
2571 any meeting of the board of administration or any unit owner  
2572 meeting, including any meeting of a subcommittee or special  
2573 committee, which is open to members of the association, for the  
2574 purpose of performing the duties of the division or the Office  
2575 of the Condominium Ombudsman under this chapter.

2576        (q)~~(e)~~ The division may:

- 2577            1. Contract with agencies in this state or other  
2578 jurisdictions to perform investigative functions; or  
2579            2. Accept grants-in-aid from any source.

2580        (r)~~(p)~~ The division shall cooperate with similar agencies  
2581 in other jurisdictions to establish uniform filing procedures  
2582 and forms, public offering statements, advertising standards,  
2583 and rules and common administrative practices.

2584        (s)~~(q)~~ The division shall consider notice to a developer,  
2585 bulk assignee, or bulk buyer to be complete when it is delivered  
2586 to the address of the developer, bulk assignee, or bulk buyer  
2587 currently on file with the division.

2588        (t)~~(r)~~ In addition to its enforcement authority, the  
2589 division may issue a notice to show cause, which must provide  
2590 for a hearing, upon written request, in accordance with chapter  
2591 120.

Amendment No. 1

2592 (u) If the division receives a complaint regarding access  
2593 to official records on the association website under s.  
2594 718.111(12)(g), the division may request access to the  
2595 association website and investigate. The division may implement  
2596 rules to carry out this provision.

2597 (v)~~(s)~~ The division shall submit to the Governor, the  
2598 President of the Senate, the Speaker of the House of  
2599 Representatives, and the chairs of the legislative  
2600 appropriations committees an annual report that includes, but  
2601 need not be limited to, the number of training programs provided  
2602 for condominium association board members and unit owners, the  
2603 number of complaints received by type, the number and percent of  
2604 complaints acknowledged in writing within 30 days and the number  
2605 and percent of investigations acted upon within 90 days in  
2606 accordance with paragraph (n)~~(m)~~, and the number of  
2607 investigations exceeding the 90-day requirement. The annual  
2608 report must also include an evaluation of the division's core  
2609 business processes and make recommendations for improvements,  
2610 including statutory changes. After December 31, 2024, the  
2611 division must include a list of the associations who have  
2612 completed their structural reserve study under section  
2613 718.112(2)(g). The report shall be submitted by September 30  
2614 following the end of the fiscal year.

2615 (2)(a) Each condominium association that ~~which~~ operates  
2616 more than two units shall pay to the division an annual fee in

196237 - h1021-strike-all.docx

Published On: 2/21/2024 8:08:39 PM

Amendment No. 1

2617 the amount of \$4 for each residential unit in condominiums  
2618 operated by the association. If the fee is not paid by March 1,  
2619 the association shall be assessed a penalty of 10 percent of the  
2620 amount due, and the association will not have standing to  
2621 maintain or defend any action in the courts of this state until  
2622 the amount due, plus any penalty, is paid.

2623 (b) All fees shall be deposited in the Division of Florida  
2624 Condominiums, Timeshares, and Mobile Homes Trust Fund as  
2625 provided by law.

2626 (c) On the certification form provided by the division,  
2627 the directors of the association shall certify that each  
2628 director of the association has completed the written  
2629 certification and educational certificate requirements in s.  
2630 718.112(2)(d)4.b. This certification requirement does not apply  
2631 to the directors of an association governing a timeshare  
2632 condominium.

2633 Section 22. Effective October 1, 2024, paragraph (a) of  
2634 subsection (2) and subsection (3) of section 718.503, Florida  
2635 Statutes, are amended to read:

2636 718.503 Developer disclosure prior to sale; nondeveloper  
2637 unit owner disclosure prior to sale; voidability.—

2638 (2) NONDEVELOPER DISCLOSURE.—

2639 (a) Each unit owner who is not a developer as defined by  
2640 this chapter must comply with this subsection before the sale of  
2641 his or her unit. Each prospective purchaser who has entered into

196237 - h1021-strike-all.docx

Published On: 2/21/2024 8:08:39 PM

Amendment No. 1

2642 a contract for the purchase of a condominium unit is entitled,  
2643 at the seller's expense, to a current copy of all of the  
2644 following:

- 2645 1. The declaration of condominium.
- 2646 2. Articles of incorporation of the association.
- 2647 3. Bylaws and rules of the association.
- 2648 4. An annual financial statement and an annual budget of  
2649 the condominium association ~~Financial information required by s.~~  
2650 ~~718.111.~~
- 2651 5. A copy of the inspector-prepared summary of the  
2652 milestone inspection report as described in s. 553.899, if  
2653 applicable.
- 2654 6. The association's most recent structural integrity  
2655 reserve study or a statement that the association has not  
2656 completed a structural integrity reserve study.
- 2657 7. A copy of the inspection report described in s.  
2658 718.301(4)(p) and (q) for a turnover inspection performed on or  
2659 after July 1, 2023.
- 2660 8. The document entitled "Frequently Asked Questions and  
2661 Answers" required by s. 718.504.

2662 (3) OTHER DISCLOSURES ~~DISCLOSURE~~.-

- 2663 (a) If residential condominium parcels are offered for  
2664 sale or lease prior to completion of construction of the units  
2665 and of improvements to the common elements, or prior to  
2666 completion of remodeling of previously occupied buildings, the

196237 - h1021-strike-all.docx

Published On: 2/21/2024 8:08:39 PM

Amendment No. 1

2667 developer must ~~shall~~ make available to each prospective  
2668 purchaser or lessee, for his or her inspection at a place  
2669 convenient to the site, a copy of the complete plans and  
2670 specifications for the construction or remodeling of the unit  
2671 offered to him or her and of the improvements to the common  
2672 elements appurtenant to the unit.

2673 (b) Sales brochures, if any, must ~~shall~~ be provided to  
2674 each purchaser, and the following caveat in conspicuous type  
2675 must ~~shall~~ be placed on the inside front cover or on the first  
2676 page containing text material of the sales brochure, or  
2677 otherwise conspicuously displayed: "ORAL REPRESENTATIONS CANNOT  
2678 BE RELIED UPON AS CORRECTLY STATING REPRESENTATIONS OF THE  
2679 DEVELOPER. FOR CORRECT REPRESENTATIONS, MAKE REFERENCE TO THIS  
2680 BROCHURE AND TO THE DOCUMENTS REQUIRED BY SECTION 718.503,  
2681 FLORIDA STATUTES, TO BE FURNISHED BY A DEVELOPER TO A BUYER OR  
2682 LESSEE." If timeshare estates have been or may be created with  
2683 respect to any unit in the condominium, the sales brochure must  
2684 ~~shall~~ contain the following statement in conspicuous type:  
2685 "UNITS IN THIS CONDOMINIUM ARE SUBJECT TO TIMESHARE ESTATES."

2686 (c) If a unit is located within a condominium that is  
2687 created within a portion of a building or within a multiple  
2688 parcel building, the developer or nondeveloper unit owner must  
2689 provide the disclosures required by s. 718.407(5).

2690 Section 22. Effective October 1, 2024, section 718.504,  
2691 Florida Statutes, is amended to read:

196237 - h1021-strike-all.docx

Published On: 2/21/2024 8:08:39 PM

Amendment No. 1

2692           718.504 Prospectus or offering circular.—Every developer  
2693 of a residential condominium which contains more than 20  
2694 residential units, or which is part of a group of residential  
2695 condominiums which will be served by property to be used in  
2696 common by unit owners of more than 20 residential units, shall  
2697 prepare a prospectus or offering circular and file it with the  
2698 Division of Florida Condominiums, Timeshares, and Mobile Homes  
2699 prior to entering into an enforceable contract of purchase and  
2700 sale of any unit or lease of a unit for more than 5 years and  
2701 shall furnish a copy of the prospectus or offering circular to  
2702 each buyer. In addition to the prospectus or offering circular,  
2703 each buyer shall be furnished a separate page entitled  
2704 "Frequently Asked Questions and Answers," which shall be in  
2705 accordance with a format approved by the division and a copy of  
2706 the financial information required by s. 718.111. This page  
2707 shall, in readable language, inform prospective purchasers  
2708 regarding their voting rights and unit use restrictions,  
2709 including restrictions on the leasing of a unit; shall indicate  
2710 whether and in what amount the unit owners or the association is  
2711 obligated to pay rent or land use fees for recreational or other  
2712 commonly used facilities; shall contain a statement identifying  
2713 that amount of assessment which, pursuant to the budget, would  
2714 be levied upon each unit type, exclusive of any special  
2715 assessments, and which shall further identify the basis upon  
2716 which assessments are levied, whether monthly, quarterly, or

196237 - h1021-strike-all.docx

Published On: 2/21/2024 8:08:39 PM

Amendment No. 1

2717 otherwise; shall state and identify any court cases in which the  
2718 association is currently a party of record in which the  
2719 association may face liability in excess of \$100,000; shall  
2720 state whether the condominium is created within a portion of a  
2721 building or a multiple parcel building; and which shall further  
2722 state whether membership in a recreational facilities  
2723 association is mandatory, and if so, shall identify the fees  
2724 currently charged per unit type. The division shall by rule  
2725 require such other disclosure as in its judgment will assist  
2726 prospective purchasers. The prospectus or offering circular may  
2727 include more than one condominium, although not all such units  
2728 are being offered for sale as of the date of the prospectus or  
2729 offering circular. The prospectus or offering circular must  
2730 contain the following information:

2731 (1) The front cover or the first page must contain only:

2732 (a) The name of the condominium.

2733 (b) The following statements in conspicuous type:

2734

2735 1. THIS PROSPECTUS (OFFERING CIRCULAR) CONTAINS  
2736 IMPORTANT MATTERS TO BE CONSIDERED IN ACQUIRING A  
2737 CONDOMINIUM UNIT.

2738 2. THE STATEMENTS CONTAINED HEREIN ARE ONLY SUMMARY  
2739 IN NATURE. A PROSPECTIVE PURCHASER SHOULD REFER TO ALL  
2740 REFERENCES, ALL EXHIBITS HERETO, THE CONTRACT  
2741 DOCUMENTS, AND SALES MATERIALS.

196237 - h1021-strike-all.docx

Published On: 2/21/2024 8:08:39 PM

Amendment No. 1

2742 3. ORAL REPRESENTATIONS CANNOT BE RELIED UPON AS  
2743 CORRECTLY STATING THE REPRESENTATIONS OF THE  
2744 DEVELOPER. REFER TO THIS PROSPECTUS (OFFERING  
2745 CIRCULAR) AND ITS EXHIBITS FOR CORRECT  
2746 REPRESENTATIONS.

2747 (2) Summary: The next page must contain all statements  
2748 required to be in conspicuous type in the prospectus or offering  
2749 circular.

2750 (3) A separate index of the contents and exhibits of the  
2751 prospectus.

2752 (4) Beginning on the first page of the text (not including  
2753 the summary and index), a description of the condominium,  
2754 including, but not limited to, the following information:

2755 (a) Its name and location.

2756 (b) A description of the condominium property, including,  
2757 without limitation:

2758 1. The number of buildings, the number of units in each  
2759 building, the number of bathrooms and bedrooms in each unit, and  
2760 the total number of units, if the condominium is not a phase  
2761 condominium, or the maximum number of buildings that may be  
2762 contained within the condominium, the minimum and maximum  
2763 numbers of units in each building, the minimum and maximum  
2764 numbers of bathrooms and bedrooms that may be contained in each  
2765 unit, and the maximum number of units that may be contained



Amendment No. 1

2766 within the condominium, if the condominium is a phase  
2767 condominium.

2768 2. The page in the condominium documents where a copy of  
2769 the plot plan and survey of the condominium is located.

2770 3. The estimated latest date of completion of  
2771 constructing, finishing, and equipping. In lieu of a date, the  
2772 description shall include a statement that the estimated date of  
2773 completion of the condominium is in the purchase agreement and a  
2774 reference to the article or paragraph containing that  
2775 information.

2776 (c) The maximum number of units that will use facilities  
2777 in common with the condominium. If the maximum number of units  
2778 will vary, a description of the basis for variation and the  
2779 minimum amount of dollars per unit to be spent for additional  
2780 recreational facilities or enlargement of such facilities. If  
2781 the addition or enlargement of facilities will result in a  
2782 material increase of a unit owner's maintenance expense or  
2783 rental expense, if any, the maximum increase and limitations  
2784 thereon shall be stated.

2785 (5) (a) A statement in conspicuous type describing whether  
2786 the condominium is created and being sold as fee simple  
2787 interests or as leasehold interests. If the condominium is  
2788 created or being sold on a leasehold, the location of the lease  
2789 in the disclosure materials shall be stated.

Amendment No. 1

2790 (b) If timeshare estates are or may be created with  
2791 respect to any unit in the condominium, a statement in  
2792 conspicuous type stating that timeshare estates are created and  
2793 being sold in units in the condominium.

2794 (6) A description of the recreational and other commonly  
2795 used facilities that will be used only by unit owners of the  
2796 condominium, including, but not limited to, the following:

2797 (a) Each room and its intended purposes, location,  
2798 approximate floor area, and capacity in numbers of people.

2799 (b) Each swimming pool, as to its general location,  
2800 approximate size and depths, approximate deck size and capacity,  
2801 and whether heated.

2802 (c) Additional facilities, as to the number of each  
2803 facility, its approximate location, approximate size, and  
2804 approximate capacity.

2805 (d) A general description of the items of personal  
2806 property and the approximate number of each item of personal  
2807 property that the developer is committing to furnish for each  
2808 room or other facility or, in the alternative, a representation  
2809 as to the minimum amount of expenditure that will be made to  
2810 purchase the personal property for the facility.

2811 (e) The estimated date when each room or other facility  
2812 will be available for use by the unit owners.

Amendment No. 1

2813 (f)1. An identification of each room or other facility to  
2814 be used by unit owners that will not be owned by the unit owners  
2815 or the association;

2816 2. A reference to the location in the disclosure materials  
2817 of the lease or other agreements providing for the use of those  
2818 facilities; and

2819 3. A description of the terms of the lease or other  
2820 agreements, including the length of the term; the rent payable,  
2821 directly or indirectly, by each unit owner, and the total rent  
2822 payable to the lessor, stated in monthly and annual amounts for  
2823 the entire term of the lease; and a description of any option to  
2824 purchase the property leased under any such lease, including the  
2825 time the option may be exercised, the purchase price or how it  
2826 is to be determined, the manner of payment, and whether the  
2827 option may be exercised for a unit owner's share or only as to  
2828 the entire leased property.

2829 (g) A statement as to whether the developer may provide  
2830 additional facilities not described above; their general  
2831 locations and types; improvements or changes that may be made;  
2832 the approximate dollar amount to be expended; and the maximum  
2833 additional common expense or cost to the individual unit owners  
2834 that may be charged during the first annual period of operation  
2835 of the modified or added facilities.

2836

Amendment No. 1

2837 Descriptions as to locations, areas, capacities, numbers,  
2838 volumes, or sizes may be stated as approximations or minimums.

2839 (7) A description of the recreational and other facilities  
2840 that will be used in common with other condominiums, community  
2841 associations, or planned developments which require the payment  
2842 of the maintenance and expenses of such facilities, directly or  
2843 indirectly, by the unit owners. The description shall include,  
2844 but not be limited to, the following:

2845 (a) Each building and facility committed to be built and a  
2846 summary description of the structural integrity of each building  
2847 for which reserves are required pursuant to s. 718.112(2)(g).

2848 (b) Facilities not committed to be built except under  
2849 certain conditions, and a statement of those conditions or  
2850 contingencies.

2851 (c) As to each facility committed to be built, or which  
2852 will be committed to be built upon the happening of one of the  
2853 conditions in paragraph (b), a statement of whether it will be  
2854 owned by the unit owners having the use thereof or by an  
2855 association or other entity which will be controlled by them, or  
2856 others, and the location in the exhibits of the lease or other  
2857 document providing for use of those facilities.

2858 (d) The year in which each facility will be available for  
2859 use by the unit owners or, in the alternative, the maximum  
2860 number of unit owners in the project at the time each of all of  
2861 the facilities is committed to be completed.

196237 - h1021-strike-all.docx

Published On: 2/21/2024 8:08:39 PM

Amendment No. 1

2862 (e) A general description of the items of personal  
2863 property, and the approximate number of each item of personal  
2864 property, that the developer is committing to furnish for each  
2865 room or other facility or, in the alternative, a representation  
2866 as to the minimum amount of expenditure that will be made to  
2867 purchase the personal property for the facility.

2868 (f) If there are leases, a description thereof, including  
2869 the length of the term, the rent payable, and a description of  
2870 any option to purchase.

2871  
2872 Descriptions shall include location, areas, capacities, numbers,  
2873 volumes, or sizes and may be stated as approximations or  
2874 minimums.

2875 (8) Recreation lease or associated club membership:

2876 (a) If any recreational facilities or other facilities  
2877 offered by the developer and available to, or to be used by,  
2878 unit owners are to be leased or have club membership associated,  
2879 the following statement in conspicuous type shall be included:

2880 "THERE IS A RECREATIONAL FACILITIES LEASE ASSOCIATED WITH THIS  
2881 CONDOMINIUM; or, THERE IS A CLUB MEMBERSHIP ASSOCIATED WITH THIS  
2882 CONDOMINIUM." There shall be a reference to the location in the  
2883 disclosure materials where the recreation lease or club  
2884 membership is described in detail.

2885 (b) If it is mandatory that unit owners pay a fee, rent,  
2886 dues, or other charges under a recreational facilities lease or

Amendment No. 1

2887 club membership for the use of facilities, there shall be in  
2888 conspicuous type the applicable statement:

2889 1. MEMBERSHIP IN THE RECREATIONAL FACILITIES CLUB IS  
2890 MANDATORY FOR UNIT OWNERS; or

2891 2. UNIT OWNERS ARE REQUIRED, AS A CONDITION OF OWNERSHIP,  
2892 TO BE LESSEES UNDER THE RECREATIONAL FACILITIES LEASE; or

2893 3. UNIT OWNERS ARE REQUIRED TO PAY THEIR SHARE OF THE  
2894 COSTS AND EXPENSES OF MAINTENANCE, MANAGEMENT, UPKEEP,  
2895 REPLACEMENT, RENT, AND FEES UNDER THE RECREATIONAL FACILITIES  
2896 LEASE (OR THE OTHER INSTRUMENTS PROVIDING THE FACILITIES); or

2897 4. A similar statement of the nature of the organization  
2898 or the manner in which the use rights are created, and that unit  
2899 owners are required to pay.

2900  
2901 Immediately following the applicable statement, the location in  
2902 the disclosure materials where the development is described in  
2903 detail shall be stated.

2904 (c) If the developer, or any other person other than the  
2905 unit owners and other persons having use rights in the  
2906 facilities, reserves, or is entitled to receive, any rent, fee,  
2907 or other payment for the use of the facilities, then there shall  
2908 be the following statement in conspicuous type: "THE UNIT OWNERS  
2909 OR THE ASSOCIATION(S) MUST PAY RENT OR LAND USE FEES FOR  
2910 RECREATIONAL OR OTHER COMMONLY USED FACILITIES." Immediately  
2911 following this statement, the location in the disclosure

196237 - h1021-strike-all.docx

Published On: 2/21/2024 8:08:39 PM

Amendment No. 1

2912 materials where the rent or land use fees are described in  
2913 detail shall be stated.

2914 (d) If, in any recreation format, whether leasehold, club,  
2915 or other, any person other than the association has the right to  
2916 a lien on the units to secure the payment of assessments, rent,  
2917 or other exactions, there shall appear a statement in  
2918 conspicuous type in substantially the following form:

2919

2920 1. THERE IS A LIEN OR LIEN RIGHT AGAINST EACH UNIT TO  
2921 SECURE THE PAYMENT OF RENT AND OTHER EXACTIONS UNDER  
2922 THE RECREATION LEASE. THE UNIT OWNER'S FAILURE TO MAKE  
2923 THESE PAYMENTS MAY RESULT IN FORECLOSURE OF THE LIEN;

2924 or

2925 2. THERE IS A LIEN OR LIEN RIGHT AGAINST EACH UNIT TO  
2926 SECURE THE PAYMENT OF ASSESSMENTS OR OTHER EXACTIONS  
2927 COMING DUE FOR THE USE, MAINTENANCE, UPKEEP, OR REPAIR  
2928 OF THE RECREATIONAL OR COMMONLY USED FACILITIES. THE  
2929 UNIT OWNER'S FAILURE TO MAKE THESE PAYMENTS MAY RESULT  
2930 IN FORECLOSURE OF THE LIEN.

2931

2932 Immediately following the applicable statement, the location in  
2933 the disclosure materials where the lien or lien right is  
2934 described in detail shall be stated.

2935 (9) If the developer or any other person has the right to  
2936 increase or add to the recreational facilities at any time after

Amendment No. 1

2937 the establishment of the condominium whose unit owners have use  
2938 rights therein, without the consent of the unit owners or  
2939 associations being required, there shall appear a statement in  
2940 conspicuous type in substantially the following form:

2941 "RECREATIONAL FACILITIES MAY BE EXPANDED OR ADDED WITHOUT  
2942 CONSENT OF UNIT OWNERS OR THE ASSOCIATION(S)." Immediately  
2943 following this statement, the location in the disclosure  
2944 materials where such reserved rights are described shall be  
2945 stated.

2946 (10) A statement of whether the developer's plan includes  
2947 a program of leasing units rather than selling them, or leasing  
2948 units and selling them subject to such leases. If so, there  
2949 shall be a description of the plan, including the number and  
2950 identification of the units and the provisions and term of the  
2951 proposed leases, and a statement in boldfaced type that: "THE  
2952 UNITS MAY BE TRANSFERRED SUBJECT TO A LEASE."

2953 (11) The arrangements for management of the association  
2954 and maintenance and operation of the condominium property and of  
2955 other property that will serve the unit owners of the  
2956 condominium property, and a description of the management  
2957 contract and all other contracts for these purposes having a  
2958 term in excess of 1 year, including the following:

- 2959 (a) The names of contracting parties.  
2960 (b) The term of the contract.  
2961 (c) The nature of the services included.

196237 - h1021-strike-all.docx

Published On: 2/21/2024 8:08:39 PM



Amendment No. 1

2962 (d) The compensation, stated on a monthly and annual  
2963 basis, and provisions for increases in the compensation.

2964 (e) A reference to the volumes and pages of the  
2965 condominium documents and of the exhibits containing copies of  
2966 such contracts.

2967  
2968 Copies of all described contracts shall be attached as exhibits.  
2969 If there is a contract for the management of the condominium  
2970 property, then a statement in conspicuous type in substantially  
2971 the following form shall appear, identifying the proposed or  
2972 existing contract manager: "THERE IS (IS TO BE) A CONTRACT FOR  
2973 THE MANAGEMENT OF THE CONDOMINIUM PROPERTY WITH (NAME OF THE  
2974 CONTRACT MANAGER)." Immediately following this statement, the  
2975 location in the disclosure materials of the contract for  
2976 management of the condominium property shall be stated.

2977 (12) If the developer or any other person or persons other  
2978 than the unit owners has the right to retain control of the  
2979 board of administration of the association for a period of time  
2980 which can exceed 1 year after the closing of the sale of a  
2981 majority of the units in that condominium to persons other than  
2982 successors or alternate developers, then a statement in  
2983 conspicuous type in substantially the following form shall be  
2984 included: "THE DEVELOPER (OR OTHER PERSON) HAS THE RIGHT TO  
2985 RETAIN CONTROL OF THE ASSOCIATION AFTER A MAJORITY OF THE UNITS  
2986 HAVE BEEN SOLD." Immediately following this statement, the

196237 - h1021-strike-all.docx

Published On: 2/21/2024 8:08:39 PM

Amendment No. 1

2987 location in the disclosure materials where this right to control  
2988 is described in detail shall be stated.

2989 (13) If there are any restrictions upon the sale,  
2990 transfer, conveyance, or leasing of a unit, then a statement in  
2991 conspicuous type in substantially the following form shall be  
2992 included: "THE SALE, LEASE, OR TRANSFER OF UNITS IS RESTRICTED  
2993 OR CONTROLLED." Immediately following this statement, the  
2994 location in the disclosure materials where the restriction,  
2995 limitation, or control on the sale, lease, or transfer of units  
2996 is described in detail shall be stated.

2997 (14) If the condominium is part of a phase project, the  
2998 following information shall be stated:

2999 (a) A statement in conspicuous type in substantially the  
3000 following form: "THIS IS A PHASE CONDOMINIUM. ADDITIONAL LAND  
3001 AND UNITS MAY BE ADDED TO THIS CONDOMINIUM." Immediately  
3002 following this statement, the location in the disclosure  
3003 materials where the phasing is described shall be stated.

3004 (b) A summary of the provisions of the declaration which  
3005 provide for the phasing.

3006 (c) A statement as to whether or not residential buildings  
3007 and units which are added to the condominium may be  
3008 substantially different from the residential buildings and units  
3009 originally in the condominium. If the added residential  
3010 buildings and units may be substantially different, there shall  
3011 be a general description of the extent to which such added

196237 - h1021-strike-all.docx

Published On: 2/21/2024 8:08:39 PM

Amendment No. 1

3012 residential buildings and units may differ, and a statement in  
3013 conspicuous type in substantially the following form shall be  
3014 included: "BUILDINGS AND UNITS WHICH ARE ADDED TO THE  
3015 CONDOMINIUM MAY BE SUBSTANTIALLY DIFFERENT FROM THE OTHER  
3016 BUILDINGS AND UNITS IN THE CONDOMINIUM." Immediately following  
3017 this statement, the location in the disclosure materials where  
3018 the extent to which added residential buildings and units may  
3019 substantially differ is described shall be stated.

3020 (d) A statement of the maximum number of buildings  
3021 containing units, the maximum and minimum numbers of units in  
3022 each building, the maximum number of units, and the minimum and  
3023 maximum square footage of the units that may be contained within  
3024 each parcel of land which may be added to the condominium.

3025 (15) If a condominium created on or after July 1, 2000, is  
3026 or may become part of a multicondominium, the following  
3027 information must be provided:

3028 (a) A statement in conspicuous type in substantially the  
3029 following form: "THIS CONDOMINIUM IS (MAY BE) PART OF A  
3030 MULTICONDOMINIUM DEVELOPMENT IN WHICH OTHER CONDOMINIUMS WILL  
3031 (MAY) BE OPERATED BY THE SAME ASSOCIATION." Immediately  
3032 following this statement, the location in the prospectus or  
3033 offering circular and its exhibits where the multicondominium  
3034 aspects of the offering are described must be stated.

3035 (b) A summary of the provisions in the declaration,  
3036 articles of incorporation, and bylaws which establish and

196237 - h1021-strike-all.docx

Published On: 2/21/2024 8:08:39 PM

Amendment No. 1

3037 provide for the operation of the multicondominium, including a  
3038 statement as to whether unit owners in the condominium will have  
3039 the right to use recreational or other facilities located or  
3040 planned to be located in other condominiums operated by the same  
3041 association, and the manner of sharing the common expenses  
3042 related to such facilities.

3043 (c) A statement of the minimum and maximum number of  
3044 condominiums, and the minimum and maximum number of units in  
3045 each of those condominiums, which will or may be operated by the  
3046 association, and the latest date by which the exact number will  
3047 be finally determined.

3048 (d) A statement as to whether any of the condominiums in  
3049 the multicondominium may include units intended to be used for  
3050 nonresidential purposes and the purpose or purposes permitted  
3051 for such use.

3052 (e) A general description of the location and approximate  
3053 acreage of any land on which any additional condominiums to be  
3054 operated by the association may be located.

3055 (16) If the condominium is created by conversion of  
3056 existing improvements, the following information shall be  
3057 stated:

3058 (a) The information required by s. 718.616.

3059 (b) A caveat that there are no express warranties unless  
3060 they are stated in writing by the developer.

Amendment No. 1

3061 (17) A summary of the restrictions, if any, to be imposed  
3062 on units concerning the use of any of the condominium property,  
3063 including statements as to whether there are restrictions upon  
3064 children and pets, and reference to the volumes and pages of the  
3065 condominium documents where such restrictions are found, or if  
3066 such restrictions are contained elsewhere, then a copy of the  
3067 documents containing the restrictions shall be attached as an  
3068 exhibit.

3069 (18) If there is any land that is offered by the developer  
3070 for use by the unit owners and that is neither owned by them nor  
3071 leased to them, the association, or any entity controlled by  
3072 unit owners and other persons having the use rights to such  
3073 land, a statement shall be made as to how such land will serve  
3074 the condominium. If any part of such land will serve the  
3075 condominium, the statement shall describe the land and the  
3076 nature and term of service, and the declaration or other  
3077 instrument creating such servitude shall be included as an  
3078 exhibit.

3079 (19) The manner in which utility and other services,  
3080 including, but not limited to, sewage and waste disposal, water  
3081 supply, and storm drainage, will be provided and the person or  
3082 entity furnishing them.

3083 (20) An explanation of the manner in which the  
3084 apportionment of common expenses and ownership of the common  
3085 elements has been determined.

196237 - h1021-strike-all.docx

Published On: 2/21/2024 8:08:39 PM

Amendment No. 1

3086 (21) An estimated operating budget for the condominium and  
3087 the association, and a schedule of the unit owner's expenses  
3088 shall be attached as an exhibit and shall contain the following  
3089 information:

3090 (a) The estimated monthly and annual expenses of the  
3091 condominium and the association that are collected from unit  
3092 owners by assessments.

3093 (b) The estimated monthly and annual expenses of each unit  
3094 owner for a unit, other than common expenses paid by all unit  
3095 owners, payable by the unit owner to persons or entities other  
3096 than the association, as well as to the association, including  
3097 fees assessed pursuant to s. 718.113(1) for maintenance of  
3098 limited common elements where such costs are shared only by  
3099 those entitled to use the limited common element, and the total  
3100 estimated monthly and annual expense. There may be excluded from  
3101 this estimate expenses which are not provided for or  
3102 contemplated by the condominium documents, including, but not  
3103 limited to, the costs of private telephone; maintenance of the  
3104 interior of condominium units, which is not the obligation of  
3105 the association; maid or janitorial services privately  
3106 contracted for by the unit owners; utility bills billed directly  
3107 to each unit owner for utility services to his or her unit;  
3108 insurance premiums other than those incurred for policies  
3109 obtained by the condominium; and similar personal expenses of  
3110 the unit owner. A unit owner's estimated payments for

196237 - h1021-strike-all.docx

Published On: 2/21/2024 8:08:39 PM

Amendment No. 1

3111 assessments shall also be stated in the estimated amounts for  
3112 the times when they will be due.

3113 (c) The estimated items of expenses of the condominium and  
3114 the association, except as excluded under paragraph (b),  
3115 including, but not limited to, the following items, which shall  
3116 be stated as an association expense collectible by assessments  
3117 or as unit owners' expenses payable to persons other than the  
3118 association:

3119 1. Expenses for the association and condominium:

3120 a. Administration of the association.

3121 b. Management fees.

3122 c. Maintenance.

3123 d. Rent for recreational and other commonly used  
3124 facilities.

3125 e. Taxes upon association property.

3126 f. Taxes upon leased areas.

3127 g. Insurance.

3128 h. Security provisions.

3129 i. Other expenses.

3130 j. Operating capital.

3131 k. Reserves for all applicable items referenced in s.

3132 718.112(2)(g).

3133 1. Fees payable to the division.

3134 2. Expenses for a unit owner:

3135 a. Rent for the unit, if subject to a lease.

Amendment No. 1

3136           b. Rent payable by the unit owner directly to the lessor  
3137 or agent under any recreational lease or lease for the use of  
3138 commonly used facilities, which use and payment is a mandatory  
3139 condition of ownership and is not included in the common expense  
3140 or assessments for common maintenance paid by the unit owners to  
3141 the association.

3142           (d) The following statement in conspicuous type:  
3143

3144           THE BUDGET CONTAINED IN THIS OFFERING CIRCULAR HAS  
3145           BEEN PREPARED IN ACCORDANCE WITH THE CONDOMINIUM ACT  
3146           AND IS A GOOD FAITH ESTIMATE ONLY AND REPRESENTS AN  
3147           APPROXIMATION OF FUTURE EXPENSES BASED ON FACTS AND  
3148           CIRCUMSTANCES EXISTING AT THE TIME OF ITS PREPARATION.  
3149           ACTUAL COSTS OF SUCH ITEMS MAY EXCEED THE ESTIMATED  
3150           COSTS. SUCH CHANGES IN COST DO NOT CONSTITUTE MATERIAL  
3151           ADVERSE CHANGES IN THE OFFERING.

3152  
3153           (e) Each budget for an association prepared by a developer  
3154 consistent with this subsection shall be prepared in good faith  
3155 and shall reflect accurate estimated amounts for the required  
3156 items in paragraph (c) at the time of the filing of the offering  
3157 circular with the division, and subsequent increased amounts of  
3158 any item included in the association's estimated budget that are  
3159 beyond the control of the developer shall not be considered an  
3160 amendment that would give rise to rescission rights set forth in

196237 - h1021-strike-all.docx

Published On: 2/21/2024 8:08:39 PM



Amendment No. 1

3161 s. 718.503(1)(a) or (b), nor shall such increases modify, void,  
3162 or otherwise affect any guarantee of the developer contained in  
3163 the offering circular or any purchase contract. It is the intent  
3164 of this paragraph to clarify existing law.

3165 (f) The estimated amounts shall be stated for a period of  
3166 at least 12 months and may distinguish between the period prior  
3167 to the time unit owners other than the developer elect a  
3168 majority of the board of administration and the period after  
3169 that date.

3170 (22) A schedule of estimated closing expenses to be paid  
3171 by a buyer or lessee of a unit and a statement of whether title  
3172 opinion or title insurance policy is available to the buyer and,  
3173 if so, at whose expense.

3174 (23) The identity of the developer and the chief operating  
3175 officer or principal directing the creation and sale of the  
3176 condominium and a statement of its and his or her experience in  
3177 this field.

3178 (24) Copies of the following, to the extent they are  
3179 applicable, shall be included as exhibits:

3180 (a) The declaration of condominium, or the proposed  
3181 declaration if the declaration has not been recorded.

3182 (b) The articles of incorporation creating the  
3183 association.

3184 (c) The bylaws of the association.

Amendment No. 1

3185 (d) The ground lease or other underlying lease of the  
3186 condominium.

3187 (e) The management agreement and all maintenance and other  
3188 contracts for management of the association and operation of the  
3189 condominium and facilities used by the unit owners having a  
3190 service term in excess of 1 year.

3191 (f) The estimated operating budget for the condominium,  
3192 the required schedule of unit owners' expenses, and the  
3193 association's most recent structural integrity reserve study or  
3194 a statement that the association has not completed a structural  
3195 integrity reserve study.

3196 (g) A copy of the floor plan of the unit and the plot plan  
3197 showing the location of the residential buildings and the  
3198 recreation and other common areas.

3199 (h) The lease of recreational and other facilities that  
3200 will be used only by unit owners of the subject condominium.

3201 (i) The lease of facilities used by owners and others.

3202 (j) The form of unit lease, if the offer is of a  
3203 leasehold.

3204 (k) A declaration of servitude of properties serving the  
3205 condominium but not owned by unit owners or leased to them or  
3206 the association.

3207 (l) The statement of condition of the existing building or  
3208 buildings, if the offering is of units in an operation being  
3209 converted to condominium ownership.

196237 - h1021-strike-all.docx

Published On: 2/21/2024 8:08:39 PM

Amendment No. 1

3210 (m) The statement of inspection for termite damage and  
3211 treatment of the existing improvements, if the condominium is a  
3212 conversion.

3213 (n) The form of agreement for sale or lease of units.

3214 (o) A copy of the agreement for escrow of payments made to  
3215 the developer prior to closing.

3216 (p) A copy of the documents containing any restrictions on  
3217 use of the property required by subsection (17).

3218 (q) A copy of the inspector-prepared summary of the  
3219 milestone inspection report as described in ss. 553.899 and  
3220 718.301(4)(p), as applicable.

3221 (25) Any prospectus or offering circular complying, prior  
3222 to the effective date of this act, with the provisions of former  
3223 ss. 711.69 and 711.802 may continue to be used without amendment  
3224 or may be amended to comply with this chapter.

3225 (26) A brief narrative description of the location and  
3226 effect of all existing and intended easements located or to be  
3227 located on the condominium property other than those described  
3228 in the declaration.

3229 (27) If the developer is required by state or local  
3230 authorities to obtain acceptance or approval of any dock or  
3231 marina facilities intended to serve the condominium, a copy of  
3232 any such acceptance or approval acquired by the time of filing  
3233 with the division under s. 718.502(1) or a statement that such  
3234 acceptance or approval has not been acquired or received.

196237 - h1021-strike-all.docx

Published On: 2/21/2024 8:08:39 PM

Amendment No. 1

3235 (28) Evidence demonstrating that the developer has an  
3236 ownership, leasehold, or contractual interest in the land upon  
3237 which the condominium is to be developed.

3238 Section 18. Subsection (3) of section 718.503, Florida  
3239 Statutes, is amended to read:

3240 718.5011 Ombudsman; appointment; administration.—

3241 (2) The secretary of the Department of Business and  
3242 Professional Regulation ~~Governor~~ shall appoint the ombudsman.  
3243 The ombudsman ~~must be an attorney admitted to practice before~~  
3244 ~~the Florida Supreme Court and~~ shall serve at the pleasure of the  
3245 Governor. A vacancy in the office shall be filled in the same  
3246 manner as the original appointment. An officer or full-time  
3247 employee of the ombudsman's office may not actively engage in  
3248 any other business or profession that directly or indirectly  
3249 relates to or conflicts with his or her work in the ombudsman's  
3250 office; serve as the representative of any political party,  
3251 executive committee, or other governing body of a political  
3252 party; serve as an executive, officer, or employee of a  
3253 political party; receive remuneration for activities on behalf  
3254 of any candidate for public office; or engage in soliciting  
3255 votes or other activities on behalf of a candidate for public  
3256 office. The ombudsman or any employee of his or her office may  
3257 not become a candidate for election to public office unless he  
3258 or she first resigns from his or her office or employment.

196237 - h1021-strike-all.docx

Published On: 2/21/2024 8:08:39 PM

Amendment No. 1

3259 Section 19. Paragraph (k) of subsection (1) of section  
3260 719.106, Florida Statutes, is amended to read:

3261 719.106 Bylaws; cooperative ownership.—

3262 (1) MANDATORY PROVISIONS.—The bylaws or other cooperative  
3263 documents shall provide for the following, and if they do not,  
3264 they shall be deemed to include the following:

3265 (k) *Structural integrity reserve study.*—

3266 1. A residential cooperative association must have a  
3267 structural integrity reserve study completed at least every 10  
3268 years for each building on the cooperative property that is  
3269 three stories or higher in height, as determined by the Florida  
3270 Building Code, that includes, at a minimum, a study of the  
3271 following items as related to the structural integrity and  
3272 safety of the building:

3273 a. Roof.

3274 b. Structure, including load-bearing walls and other  
3275 primary structural members and primary structural systems as  
3276 those terms are defined in s. 627.706.

3277 c. Fireproofing and fire protection systems.

3278 d. Plumbing.

3279 e. Electrical systems.

3280 f. Waterproofing and exterior painting.

3281 g. Windows and exterior doors.

3282 h. Any other item that has a deferred maintenance expense  
3283 or replacement cost that exceeds \$10,000 and the failure to

196237 - h1021-strike-all.docx

Published On: 2/21/2024 8:08:39 PM

Amendment No. 1

3284 replace or maintain such item negatively affects the items  
3285 listed in sub-subparagraphs a.-g., as determined by the visual  
3286 inspection portion of the structural integrity reserve study.

3287 2. A structural integrity reserve study is based on a  
3288 visual inspection of the cooperative property. A structural  
3289 integrity reserve study may be performed by any person qualified  
3290 to perform such study. However, the visual inspection portion of  
3291 the structural integrity reserve study must be performed or  
3292 verified by an engineer licensed under chapter 471, an architect  
3293 licensed under chapter 481, or a person certified as a reserve  
3294 specialist or professional reserve analyst by the Community  
3295 Associations Institute or the Association of Professional  
3296 Reserve Analysts.

3297 3. At a minimum, a structural integrity reserve study must  
3298 identify each item of the cooperative property being visually  
3299 inspected, state the estimated remaining useful life and the  
3300 estimated replacement cost or deferred maintenance expense of  
3301 each item of the cooperative property being visually inspected,  
3302 and provide a reserve funding schedule with a recommended annual  
3303 reserve amount that achieves the estimated replacement cost or  
3304 deferred maintenance expense of each item of cooperative  
3305 property being visually inspected by the end of the estimated  
3306 remaining useful life of the item. The structural integrity  
3307 reserve study may recommend that reserves do not need to be  
3308 maintained for any item for which an estimate of useful life and

196237 - h1021-strike-all.docx

Published On: 2/21/2024 8:08:39 PM

Amendment No. 1

3309 an estimate of replacement cost cannot be determined, or the  
3310 study may recommend a deferred maintenance expense amount for  
3311 such item. The structural integrity reserve study may recommend  
3312 that reserves for replacement costs do not need to be maintained  
3313 for any item with an estimated remaining useful life of greater  
3314 than 25 years, but the study may recommend a deferred  
3315 maintenance expense amount for such item.

3316 4. This paragraph does not apply to buildings less than  
3317 three stories in height; single-family, two-family, or three-  
3318 family dwellings with three or fewer habitable stories above  
3319 ground; any portion or component of a building that has not been  
3320 submitted to the cooperative form of ownership; or any portion  
3321 or component of a building that is maintained by a party other  
3322 than the association.

3323 5. Before a developer turns over control of an association  
3324 to unit owners other than the developer, the developer must have  
3325 a turnover inspection report in compliance with s. 719.301(4)(p)  
3326 and (q) for each building on the cooperative property that is  
3327 three stories or higher in height.

3328 6. Associations existing on or before July 1, 2022, which  
3329 are controlled by unit owners other than the developer, must  
3330 have a structural integrity reserve study completed by December  
3331 31, 2024, for each building on the cooperative property that is  
3332 three stories or higher in height. An association that is  
3333 required to complete a milestone inspection on or before

196237 - h1021-strike-all.docx

Published On: 2/21/2024 8:08:39 PM

Amendment No. 1

3334 December 31, 2026, in accordance with s. 553.899 may complete  
3335 the structural integrity reserve study simultaneously with the  
3336 milestone inspection. In no event may the structural integrity  
3337 reserve study be completed after December 31, 2026.

3338 7. If the milestone inspection required by s. 553.899, or  
3339 an inspection completed for a similar local requirement, was  
3340 performed within the past 5 years and meets the requirements of  
3341 this paragraph, such inspection may be used in place of the  
3342 visual inspection portion of the structural integrity reserve  
3343 study.

3344 8. If the officers or directors of an association  
3345 willfully and knowingly fail to complete a structural integrity  
3346 reserve study pursuant to this paragraph, such failure is a  
3347 breach of an officer's and director's fiduciary relationship to  
3348 the unit owners under s. 719.104(9).

3349 9. Within 45 days after receiving the structural integrity  
3350 reserve study, the association must distribute a copy of the  
3351 study to each unit owner or deliver to each unit owner a notice  
3352 that the completed study is available for inspection and copying  
3353 upon a written request. Distribution of a copy of the study or  
3354 notice must be made by United States mail or personal delivery  
3355 at the mailing address, property address, or any other address  
3356 of the owner provided to fulfill the association's notice  
3357 requirements under this chapter, or by electronic transmission  
3358 to the e-mail address or facsimile number provided to fulfill



Amendment No. 1

3359 the association's notice requirements to unit owners who  
3360 previously consented to receive notice by electronic  
3361 transmission.

3362 10. Within 45 days after receiving the structural integrity  
3363 reserve study, the association must provide the division with a  
3364 statement indicating that such study was completed and that the  
3365 association provided or made available such study to each unit  
3366 owner in accordance with this section. Such statement shall be  
3367 provided to the division in the manner provided by the division  
3368 using a form posted on the division's website.

3369 Section 20. Paragraph (p) of subsection (4) of section  
3370 719.301, Florida Statutes, is amended to read:

3371 719.301 Transfer of association control.—

3372 (4) When unit owners other than the developer elect a  
3373 majority of the members of the board of administration of an  
3374 association, the developer shall relinquish control of the  
3375 association, and the unit owners shall accept control.  
3376 Simultaneously, or for the purpose of paragraph (c) not more  
3377 than 90 days thereafter, the developer shall deliver to the  
3378 association, at the developer's expense, all property of the  
3379 unit owners and of the association held or controlled by the  
3380 developer, including, but not limited to, the following items,  
3381 if applicable, as to each cooperative operated by the  
3382 association:

Amendment No. 1

3383 (p) Notwithstanding when the certificate of occupancy was  
3384 issued or the height of the building, a turnover inspection  
3385 report included in the official records, under seal of an  
3386 architect or engineer authorized to practice in this state or a  
3387 person certified as a reserve specialist or professional reserve  
3388 analyst by the Community Associations Institute or the  
3389 Association of Professional Reserve Analysts, consisting of a  
3390 structural integrity reserve study attesting to required  
3391 maintenance, condition, useful life, and replacement costs of  
3392 the following applicable cooperative property:

3393 1. Roof.

3394 2. Structure, including load-bearing walls and primary  
3395 structural members and primary structural systems as those terms  
3396 are defined in s. 627.706.

3397 3. Fireproofing and fire protection systems.

3398 4. Plumbing.

3399 5. Electrical systems.

3400 6. Waterproofing and exterior painting.

3401 7. Windows and exterior doors.

3402 Section 21. The Division of Florida Condominiums,  
3403 Timeshares, and Mobile Homes of the Department of Business and  
3404 Professional Regulation shall complete a review of the website  
3405 or application requirements for official records under s.  
3406 718.111(12)(g), Florida Statutes, and make recommendations  
3407 regarding any additional official records of a condominium

196237 - h1021-strike-all.docx

Published On: 2/21/2024 8:08:39 PM

Amendment No. 1

3408 association that should be included in the record maintenance  
3409 requirements in the statute. The division shall submit to the  
3410 Governor, the President of the Senate, and the Speaker of the  
3411 House of Representatives the findings of its review by January  
3412 1, 2025.

3413 Section 22. The Division of Florida Condominiums,  
3414 Timeshares, and Mobile Homes of the Department of Business and  
3415 Professional Regulation shall create a database on its website  
3416 of the associations that have reported the completion of their  
3417 structural integrity reserve study under section 718.112(2)(g),  
3418 and under section 719.106(1)(k), by January 1, 2025.

3419 Section 23. For the 2024-2025 fiscal year, the sums of  
3420 \$6,122,390 in recurring and \$1,293,879 in nonrecurring funds  
3421 from the General Revenue Fund are appropriated to the Department  
3422 of Business and Professional Regulation, and 65 full-time  
3423 equivalent positions with associated salary rate of 3,180,319  
3424 are authorized, for the purpose of implementing this act.

3425 Section 24. The amendments made to ss. 718.103(14) and  
3426 718.202(3), Florida Statutes, and the provisions of s.  
3427 718.407(1), (2), and (6), Florida Statutes, are intended to  
3428 clarify existing law and shall apply retroactively; however,  
3429 such amendments do not revive or reinstate any right or interest  
3430 that has been fully and finally adjudicated as invalid before  
3431 October 1, 2024.

Amendment No. 1

3432 Section 25. Except as otherwise expressly provided in this  
3433 act, this act shall take effect July 1, 2024.

3434  
3435 -----

3436 **T I T L E A M E N D M E N T**

3437 Remove everything before the enacting clause and insert:

3438 A bill to be entitled

3439 An act relating to community associations; amending s. 468.4334,  
3440 F.S.; requiring community association managers and community  
3441 association management firms to return official records of an  
3442 association within a specified time after termination of a  
3443 contract; requiring notices of termination of certain  
3444 contractual agreements to be sent in a specified manner;  
3445 authorizing community association managers and community  
3446 association management firms to retain, for a specified  
3447 timeframe, records necessary to complete an ending financial  
3448 statement or report; relieving community association managers  
3449 and community association management firms from certain  
3450 responsibilities and liability under certain circumstances;  
3451 providing a rebuttable presumption regarding noncompliance;  
3452 providing penalties for the failure to timely return official  
3453 records; creating s. 468.4335, F.S.; requiring community  
3454 association managers and community association management firms  
3455 to disclose certain conflicts of interest to the association's  
3456 board; providing a rebuttable presumption as to the existence of

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1021 (2024)

Amendment No. 1

3457 a conflict; requiring an association to solicit and consider  
3458 multiple bids for goods or services under certain circumstances;  
3459 providing requirements for an association to approve any  
3460 activity that is a conflict of interest; authorizing certain  
3461 contracts to be canceled, subject to certain requirements;  
3462 specifying liability and nonliability of the association upon  
3463 cancellation of such a contract; authorizing an association to  
3464 cancel a contract if certain conflicts were not disclosed;  
3465 specifying liability and nonliability of the association upon  
3466 cancellation of a contract; defining the term "relative";  
3467 reenacting and amending s. 468.436, F.S.; revising the list of  
3468 grounds for which the Department of Business and Professional  
3469 Regulation may take disciplinary actions against community  
3470 association managers or community association firms; amending s.  
3471 553.899; providing that the milestone inspection report does not  
3472 apply to certain four-family dwellings; amending s. 718.103,  
3473 F.S.; defining the term "hurricane protection"; amending s.  
3474 718.104, F.S.; requiring declarations to specify the entity  
3475 responsible for the installation, maintenance, repair, or  
3476 replacement of hurricane protection; amending s. 718.111, F.S.;  
3477 providing criminal penalties for any officer, director, or  
3478 manager of an association who unlawfully solicits, offers to  
3479 accept, or accepts any thing or service of value or kickback;  
3480 requiring such officers, directors, or managers to be removed  
3481 from office and a vacancy declared; revising the list of records

196237 - h1021-strike-all.docx

Published On: 2/21/2024 8:08:39 PM

## Amendment No. 1

3482 that constitute the official records of an association; revising  
3483 maintenance requirements for official records; revising  
3484 requirements regarding requests to inspect or copy association  
3485 records; requiring an association to provide a checklist in  
3486 response to certain records requests; providing a rebuttable  
3487 presumption and criminal penalties; requiring certain persons to  
3488 be removed from office and a vacancy declared under certain  
3489 circumstances; defining the term "repeatedly"; requiring copies  
3490 of certain building permits be posted on an association's  
3491 website or application; modifying the method of delivery of  
3492 certain financial reports to unit owners; revising circumstances  
3493 under which an association may prepare certain reports; revising  
3494 criminal penalties for persons who unlawfully use a debit card  
3495 issued in the name of an association; requiring certain persons  
3496 to be removed from office and a vacancy declared under certain  
3497 circumstances; defining the term "lawful obligation of the  
3498 association"; revising the threshold for associations that must  
3499 post certain documents on its website or through an application;  
3500 amending s. 718.112, F.S.; requiring the boards of certain  
3501 associations to meet at least once every quarter; revising  
3502 requirements regarding notice of such meetings; requiring a  
3503 director to complete an educational requirement within a  
3504 specified time period before or after election or appointment to  
3505 the board; providing requirements for the educational  
3506 curriculum; providing transitional provisions; requiring a

196237 - h1021-strike-all.docx

Published On: 2/21/2024 8:08:39 PM

Amendment No. 1

3507 director to complete a certain amount of continuing education  
3508 each year relating to changes in the law; requiring the  
3509 secretary of the association to maintain certain information for  
3510 inspection for a specified number of years; authorizing members  
3511 of an association to pause the contribution to reserves or  
3512 reduce reserves under certain circumstances and for a limited  
3513 time; authorizing the board to expend reserve account funds to  
3514 make the condominium building and structures habitable;  
3515 requiring an association to distribute or deliver copies of a  
3516 structural integrity reserve study to unit owners within a  
3517 specified timeframe; specifying the manner of distribution or  
3518 delivery; revising the circumstances under which a director or  
3519 an officer must be removed from office after being charged by  
3520 information or indictment of certain crimes; prohibiting such  
3521 officers and directors with pending criminal charges from  
3522 accessing the official records of any association; providing an  
3523 exception; providing criminal penalties for certain fraudulent  
3524 voting activities relating to association elections; amending s.  
3525 718.113, F.S.; providing applicability; specifying that certain  
3526 actions are not material alterations or substantial additions;  
3527 authorizing the boards of residential and mixed-use condominiums  
3528 to install or require unit owners to install hurricane  
3529 protection; requiring a vote of the unit owners for the  
3530 installation of hurricane protection; requiring that such vote  
3531 be attested to in a certificate and recorded in certain public

196237 - h1021-strike-all.docx

Published On: 2/21/2024 8:08:39 PM

Amendment No. 1

3532 records; requiring the board to provide, in various manners, to  
3533 the unit owners a copy of the recorded certificate; providing  
3534 that the validity or enforceability of a vote is not affected if  
3535 the board fails to take certain actions; providing that a vote  
3536 of the unit owners is not required under certain circumstances;  
3537 prohibiting installation of the same type of hurricane  
3538 protection previously installed; providing exceptions;  
3539 prohibiting the boards of residential and mixed-use condominiums  
3540 from refusing to approve certain hurricane protections;  
3541 authorizing the board to require owners to adhere to certain  
3542 guidelines regarding the external appearance of a condominium;  
3543 revising responsibility for the cost of the removal or  
3544 reinstallation of hurricane protection, including exterior  
3545 windows, doors, or apertures; prohibiting the association from  
3546 charging certain expenses to unit owners; requiring  
3547 reimbursement or a credit toward future assessments to the unit  
3548 owner in certain circumstances; authorizing the association to  
3549 collect certain charges and specifying that such charges are  
3550 enforceable as assessments under certain circumstances; amending  
3551 s. 718.115, F.S.; specifying when the cost of installation of  
3552 hurricane protection is not a common expense; authorizing  
3553 certain expenses to be enforceable as assessments; requiring  
3554 certain unit owners to be excused from certain assessments or to  
3555 receive a credit for hurricane protection that has been  
3556 installed; providing credit applicability under certain

196237 - h1021-strike-all.docx

Published On: 2/21/2024 8:08:39 PM



COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1021 (2024)

Amendment No. 1

3557 | circumstances; providing for the amount of credit that a unit  
3558 | owner must receive; specifying that certain expenses are common  
3559 | expenses; amending s. 718.121, F.S.; conforming a cross-  
3560 | reference; amending s. 718.1224, F.S.; revising legislative  
3561 | findings and intent; revising the definition of the term  
3562 | "governmental entity"; prohibiting an association from filing  
3563 | strategic lawsuits, taking certain actions against unit owners,  
3564 | and expending funds to support certain actions; amending s.  
3565 | 718.128, F.S.; providing that a request for electronic voting  
3566 | may be made electronically; amending s. 718.301, F.S.; requiring  
3567 | developers to deliver a structural integrity reserve report to  
3568 | an association upon relinquishing control of the association;  
3569 | amending s. 718.3027, F.S.; revising requirements regarding  
3570 | attendance at a board meeting in the event of a conflict of  
3571 | interest; modifying circumstances under which a contract may be  
3572 | voided; amending s. 718.303, F.S.; requiring an association to  
3573 | provide certain notice to a unit owner by a specified time  
3574 | before an election; amending s. 718.501, F.S.; revising  
3575 | circumstances under which the Division of Florida Condominiums,  
3576 | Timeshares, and Mobile Homes has jurisdiction to investigate and  
3577 | enforce complaints relating to certain matters; requiring that  
3578 | the division provide official records, without charge, to a unit  
3579 | owner denied access; requiring the division to provide an  
3580 | educational curriculum free of charge and issue a certificate to  
3581 | directors of a board of administration; requiring that the

196237 - h1021-strike-all.docx

Published On: 2/21/2024 8:08:39 PM

## Amendment No. 1

3582 division refer suspected criminal acts to the appropriate law  
3583 enforcement authority; authorizing certain division officials to  
3584 attend association meetings; requiring that the division conduct  
3585 random audits of associations for specified purposes; requiring  
3586 an association's annual fee be filed concurrently with the  
3587 annual certification; specifying requirements for the annual  
3588 certification; amending 718.503, F.S.; providing a certain  
3589 disclosure for condominium units in a portion of a building;  
3590 amending s. 718.5011, F.S.; providing that the secretary of the  
3591 Department of Business and Professional Regulation, rather than  
3592 the Governor, appoints the condominium ombudsman; amending s.  
3593 719.106, F.S.; requiring an association to distribute or deliver  
3594 copies of a structural integrity reserve study to unit owners  
3595 within a specified timeframe; specifying the manner of  
3596 distribution or delivery; amending s. 719.301, F.S.; requiring  
3597 developers to deliver a structural integrity reserve study to a  
3598 cooperative association upon relinquishing control of  
3599 association property; requiring the division to conduct a review  
3600 of statutory requirements regarding posting of official records  
3601 on a condominium association's website or application; requiring  
3602 the division to submit its findings, including any  
3603 recommendations, to the Governor and the Legislature by a  
3604 specified date; requiring the division to include in its annual  
3605 report associations that have completed their structural

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1021 (2024)

Amendment No. 1

3606 integrity reserve study; providing appropriations; providing  
3607 effective dates.  
3608