

1 A bill to be entitled
2 An act relating to community associations; amending s.
3 468.4334, F.S.; requiring community association
4 managers and community association management firms to
5 return official records of an association within a
6 specified time after termination of a contract;
7 providing a rebuttable presumption regarding
8 noncompliance; providing penalties for the failure to
9 timely return official records; creating s. 468.4335,
10 F.S.; requiring community association managers and
11 community association management firms to disclose
12 certain conflicts of interest to the association's
13 board; providing a rebuttable presumption as to the
14 existence of a conflict; requiring an association to
15 consider multiple bids for goods or services under
16 certain circumstances; providing requirements for an
17 association to approve any activity that is a conflict
18 of interest; authorizing certain contracts to be
19 canceled, subject to certain requirements; specifying
20 liability and nonliability of the association upon
21 cancellation of such a contract; authorizing an
22 association to cancel a contract if certain conflicts
23 were not disclosed; specifying liability and
24 nonliability of the association upon cancellation of a
25 contract; defining the term "relative"; reenacting and

26 | amending s. 468.436, F.S.; revising the list of
27 | grounds for which the Department of Business and
28 | Professional Regulation may take disciplinary actions
29 | against community association managers or community
30 | association firms; amending s. 718.103, F.S.; revising
31 | and providing definitions; amending s. 718.104, F.S.;
32 | requiring declarations to specify the entity
33 | responsible for the installation, maintenance, repair,
34 | or replacement of hurricane protection; amending s.
35 | 718.111, F.S.; providing criminal penalties for any
36 | officer, director, or manager of an association who
37 | unlawfully solicits, offers to accept, or accepts any
38 | thing or service of value or kickback; revising the
39 | list of records that constitute the official records
40 | of an association; revising maintenance requirements
41 | for official records; revising requirements regarding
42 | requests to inspect or copy association records;
43 | requiring an association to provide a checklist and
44 | affidavit in response to certain records requests;
45 | providing a rebuttable presumption and criminal
46 | penalties; defining the term "repeatedly"; requiring
47 | copies of certain building permits be posted on an
48 | association's website or application; modifying the
49 | method of delivery of certain letters regarding
50 | association financial reports to unit owners; revising

51 | circumstances under which an association may prepare
52 | certain reports; revising criminal penalties for
53 | persons who unlawfully use a debit card issued in the
54 | name of an association; defining the term "lawful
55 | obligation of the association"; revising the threshold
56 | for associations that must post certain documents on
57 | its website or through an application; amending s.
58 | 718.112, F.S.; requiring the boards of certain
59 | associations to meet a minimum number of times each
60 | year; revising requirements regarding notice of such
61 | meetings; requiring a director to complete an
62 | educational requirement within a specified time period
63 | before or after election or appointment to the board;
64 | providing transitional provisions; requiring a
65 | director to complete educational requirements each
66 | year relating to changes in the law; requiring an
67 | association's budget to include reserve amounts for
68 | planned maintenance, in lieu of deferred maintenance;
69 | authorizing members of an association to waive
70 | reserves or reduce reserves under certain
71 | circumstances and for a limited time; requiring an
72 | association to distribute or deliver copies of a
73 | structural integrity reserve study to unit owners
74 | within a specified timeframe; specifying the manner of
75 | distribution or delivery; authorizing certain boards

76 | to approve contingent special assessments in order to
77 | secure a line of credit under certain circumstances;
78 | specifying requirements and limitations for any line
79 | of credit secured; revising the circumstances under
80 | which a director or an officer must be removed from
81 | office after being charged by information or
82 | indictment of certain crimes; prohibiting such
83 | officers and directors with pending criminal charges
84 | from accessing the official records of any
85 | association; providing an exception; providing
86 | criminal penalties for certain fraudulent voting
87 | activities relating to association elections; amending
88 | s. 718.113, F.S.; providing applicability; specifying
89 | that certain actions are not material alterations or
90 | substantial additions; authorizing the boards of
91 | residential and mixed-use condominiums to install or
92 | require unit owners to install hurricane protection;
93 | requiring a vote of the unit owners for the
94 | installation of hurricane protection; requiring that
95 | such vote be attested to in a certificate and recorded
96 | in certain public records; providing requirements for
97 | such certificate; providing that the validity or
98 | enforceability of a vote is not affected if the board
99 | fails to take certain actions; providing that a vote
100 | of the unit owners is not required under certain

101 | circumstances; prohibiting installation of the same
102 | type of hurricane protection previously installed;
103 | providing exceptions; prohibiting the boards of
104 | residential and mixed-use condominiums from refusing
105 | to approve certain hurricane protections; authorizing
106 | the board to require owners to adhere to certain
107 | guidelines regarding the external appearance of a
108 | condominium; revising responsibility for the cost of
109 | the removal or reinstallation of hurricane protection,
110 | including exterior windows, doors, or apertures;
111 | prohibiting the association from charging certain
112 | expenses to unit owners; requiring reimbursement or a
113 | credit toward future assessments to the unit owner in
114 | certain circumstances; authorizing the association to
115 | collect certain charges and specifying that such
116 | charges are enforceable as assessments under certain
117 | circumstances; amending s. 718.115, F.S.; specifying
118 | when the cost of installation of hurricane protection
119 | is not a common expense; authorizing certain expenses
120 | to be enforceable as assessments; requiring certain
121 | unit owners to be excused from certain assessments or
122 | to receive a credit for hurricane protection that has
123 | been installed; providing credit applicability under
124 | certain circumstances; providing for the amount of
125 | credit that a unit owner must receive; specifying that

126 certain expenses are common expenses; amending s.
127 718.116, F.S.; requiring that the written notice of
128 certain assessments be recorded in the public records;
129 amending s. 718.121, F.S.; conforming a cross-
130 reference; amending s. 718.1224, F.S.; revising
131 legislative findings and intent; revising the
132 definition of the term "governmental entity";
133 prohibiting an association from filing strategic
134 lawsuits, taking certain actions against unit owners,
135 and expending funds to support certain actions;
136 amending s. 718.301, F.S.; requiring developers to
137 deliver a structural integrity reserve report to an
138 association upon relinquishing control of the
139 association; amending s. 718.3027, F.S.; revising
140 requirements regarding attendance at a board meeting
141 in the event of a conflict of interest; modifying
142 circumstances under which a contract may be voided;
143 amending s. 718.303, F.S.; requiring that a notice of
144 nonpayment be provided to a unit owner by a specified
145 time before an election or a vote of association
146 members; amending s. 718.501, F.S.; revising
147 circumstances under which the Division of Florida
148 Condominiums, Timeshares, and Mobile Homes has
149 jurisdiction to investigate and enforce certain
150 matters; requiring that the division provide official

151 records, without charge, to a unit owner denied
152 access; requiring the division to provide an
153 educational curriculum free of charge and issue a
154 certificate to directors of a board of administration;
155 requiring that the division refer suspected criminal
156 acts to the appropriate law enforcement authority;
157 authorizing certain division officials to attend
158 association meetings; requiring that the division
159 conduct random audits of associations for specified
160 purposes; requiring an association's annual fee be
161 filed concurrently with the annual certification;
162 specifying requirements for the annual certification;
163 amending s. 718.618, F.S.; conforming a provision to
164 changes made by the act; amending s. 719.106, F.S.;
165 requiring that a cooperative association's budget
166 include reserve amounts for planned maintenance, in
167 lieu of deferred maintenance; requiring an association
168 to distribute or deliver copies of a structural
169 integrity reserve study to unit owners within a
170 specified timeframe; specifying the manner of
171 distribution or delivery; amending s. 719.301, F.S.;
172 requiring developers to deliver a structural integrity
173 reserve study to a cooperative association upon
174 relinquishing control of association property;
175 amending s. 719.618, F.S.; conforming a provision to

176 changes made by the act; requiring the division to
 177 conduct a review of statutory requirements regarding
 178 posting of official records on a condominium
 179 association's website or application; requiring the
 180 division to submit its findings, including any
 181 recommendations, to the Governor and the Legislature
 182 by a specified date; providing effective dates.

183

184 Be It Enacted by the Legislature of the State of Florida:

185

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

188 468.4334 Professional practice standards; liability.—

189 (3) A community association manager or a community
 190 association management firm shall return all community
 191 association official records within its possession to the
 192 community association within 20 business days after termination
 193 of a contractual agreement to provide community association
 194 management services to the community association or receipt of a
 195 written request for return of the official records, whichever
 196 occurs first. Failure of a community association manager or a
 197 community association management firm to timely return all of
 198 the official records within its possession to the community
 199 association creates a rebuttable presumption that the manager or
 200 firm willfully failed to comply with this subsection. A

201 community association manager or a community association
 202 management firm that fails to timely return community
 203 association records is subject to suspension of its license
 204 under s. 468.436, and a civil penalty of \$1,000 per day for a
 205 maximum of 10 days, assessed beginning on the 21st day after
 206 termination of a contractual agreement to provide community
 207 association management services to the community association or
 208 receipt of a written request from the association for return of
 209 the records, whichever occurs first.

210 Section 2. Section 468.4335, Florida Statutes, is created
 211 to read:

212 468.4335 Conflicts of interest.-

213 (1) A community association manager or a community
 214 association management firm, including directors, officers,
 215 persons with a financial interest in a community association
 216 management firm, and the relatives of such persons, must
 217 disclose to the board of a community association any activity
 218 that may reasonably be construed to be a conflict of interest. A
 219 rebuttable presumption of a conflict of interest exists if any
 220 of the following occurs without prior notice:

221 (a) A community association manager or a community
 222 association management firm, including directors, officers,
 223 persons with a financial interest in a community association
 224 management firm, and the relatives of such persons, enters into
 225 a contract for goods or services with the association.

226 (b) A community association manager or a community
227 association management firm, including directors, officers,
228 persons with a financial interest in a community association
229 management firm, and the relatives of such persons, holds an
230 interest in a corporation, limited liability corporation,
231 partnership, limited liability partnership, or other business
232 entity that conducts business with the association or proposes
233 to enter into a contract or other transaction with the
234 association.

235 (2) If the association receives and considers a bid to
236 provide a good or service, other than community association
237 management services, from a community association manager or a
238 community association management firm, including directors,
239 officers, persons with a financial interest in a community
240 association management firm, and the relatives of such persons,
241 the association must also consider at least three bids from
242 other third-party providers of such good or service.

243 (3) If a community association manager or a community
244 association management firm, including directors, officers,
245 persons with a financial interest in a community association
246 management firm, and the relatives of such persons, proposes to
247 engage in an activity that is a conflict of interest as
248 described in subsection (1), the proposed activity must be
249 listed on, and all contracts and transactional documents related
250 to the proposed activity must be attached to, the meeting agenda

251 of the next board of administration meeting. The disclosures of
252 a possible conflict of interest must be entered into the written
253 minutes of the meeting. Approval of the contract or other
254 transaction requires an affirmative vote of two-thirds of all
255 other directors present. At the next regular or special meeting
256 of the members, the existence of the contract or other
257 transaction must be disclosed to the members. Upon motion of any
258 member, the contract or transaction must be brought up for a
259 vote and may be canceled by a majority vote of the members
260 present. If the contract is canceled, the association is liable
261 only for the reasonable value of the goods and services provided
262 up to the time of cancellation and is not liable for any
263 termination fees, liquidated damages, or other form of penalty
264 for such cancellation.

265 (4) If the board finds that a community association
266 manager or a community association management firm, including
267 directors, officers, persons with a financial interest in a
268 community association management firm, and the relatives of such
269 persons, has violated this section, the association may cancel
270 its community association management contract with the community
271 association manager or the community association management
272 firm. If the contract is canceled, the association is liable
273 only for the reasonable value of the management services
274 provided up to the time of cancellation and is not liable for
275 any termination fees, liquidated damages, or other form of

276 penalty for such cancellation.

277 (5) If an association enters into a contract with a
 278 community association manager or a community association
 279 management firm, including directors, officers, persons with a
 280 financial interest in a community association management firm,
 281 and the relatives of such persons, which is a party to or has an
 282 interest in an activity that is a possible conflict of interest
 283 as described in subsection (1) and such activity has not been
 284 properly disclosed as a conflict of interest or potential
 285 conflict of interest as required by this section, the contract
 286 is voidable and terminates upon the association filing a written
 287 notice terminating the contract with its board of directors
 288 which contains the consent of at least 20 percent of the voting
 289 interests of the association.

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

293 Section 3. Paragraph (b) of subsection (2) of section
 294 468.436, Florida Statutes, is amended, and subsection (4) of
 295 that section is reenacted, to read:

296 468.436 Disciplinary proceedings.—

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

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

300 2. Violation of any lawful order or rule rendered or

301 adopted by the department or the council.

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

304 4. Obtaining a license or certification or any other
305 order, ruling, or authorization by means of fraud,
306 misrepresentation, or concealment of material facts.

307 5. Committing acts of gross misconduct or gross negligence
308 in connection with the profession.

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

312 7. Failing to disclose any conflict of interest as
313 required by s. 468.4335.

314 ~~8.7. Violating any provision of~~ chapter 718, chapter 719,
315 or chapter 720 during the course of performing community
316 association management services pursuant to a contract with a
317 community association as defined in s. 468.431(1).

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

322 (a) Denial of an application for licensure.

323 (b) Revocation or suspension of a license.

324 (c) Imposition of an administrative fine not to exceed
325 \$5,000 for each count or separate offense.

326 (d) Issuance of a reprimand.

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

330 (f) Restriction of the authorized scope of practice by the
 331 community association manager.

332 Section 4. Subsections (19) through (32) of section
 333 718.103, Florida Statutes, are renumbered as subsections (20)
 334 through (33), respectively, subsection (1) is amended, and a new
 335 subsection (19) is added to that section, to read:

336 718.103 Definitions.—As used in this chapter, the term:

337 (1) "Alternative funding method" means a method approved
 338 by the division for funding the capital expenditures and planned
 339 ~~deferred~~ maintenance obligations for a multicondominium
 340 association operating at least 25 condominiums which may
 341 reasonably be expected to fully satisfy the association's
 342 reserve funding obligations by the allocation of funds in the
 343 annual operating budget.

344 (19) "Hurricane protection" means hurricane shutters,
 345 impact glass, code-compliant windows or doors, and other code-
 346 compliant hurricane protection products used to preserve and
 347 protect the condominium property or association property.

348 Section 5. Paragraph (p) is added to subsection (4) of
 349 section 718.104, Florida Statutes, to read:

350 718.104 Creation of condominiums; contents of

351 declaration.—Every condominium created in this state shall be
 352 created pursuant to this chapter.

353 (4) The declaration must contain or provide for the
 354 following matters:

355 (p) For both residential condominiums and mixed-use
 356 condominiums, a statement that specifies whether the unit owner
 357 or the association is responsible for the installation,
 358 maintenance, repair, or replacement of hurricane protection that
 359 is for the preservation and protection of the condominium
 360 property and association property.

361 Section 6. Paragraph (a) of subsection (1) and subsections
 362 (12), (13), and (15) of section 718.111, Florida Statutes, are
 363 amended to read:

364 718.111 The association.—

365 (1) CORPORATE ENTITY.—

366 (a) The operation of the condominium shall be by the
 367 association, which must be a Florida corporation for profit or a
 368 Florida corporation not for profit. However, any association
 369 which was in existence on January 1, 1977, need not be
 370 incorporated. The owners of units shall be shareholders or
 371 members of the association. The officers and directors of the
 372 association have a fiduciary relationship to the unit owners. It
 373 is the intent of the Legislature that nothing in this paragraph
 374 shall be construed as providing for or removing a requirement of
 375 a fiduciary relationship between any manager employed by the

376 association and the unit owners. An officer, director, or
377 manager may not solicit, offer to accept, or accept any thing or
378 service of value or kickback for which consideration has not
379 been provided for his or her own benefit or that of his or her
380 immediate family, from any person providing or proposing to
381 provide goods or services to the association. Any such officer,
382 director, or manager who knowingly so solicits, offers to
383 accept, or accepts any thing or service of value or kickback
384 commits a felony of the third degree, punishable as provided in
385 s. 775.082, s. 775.083, or s. 775.084, and is subject to a civil
386 penalty pursuant to s. 718.501(1)(d) and, if applicable, a
387 criminal penalty as provided in paragraph (d). However, this
388 paragraph does not prohibit an officer, director, or manager
389 from accepting services or items received in connection with
390 trade fairs or education programs. An association may operate
391 more than one condominium.

392 (12) OFFICIAL RECORDS.—

393 (a) From the inception of the association, the association
394 shall maintain each of the following items, if applicable, which
395 constitutes the official records of the association:

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

398 2. A photocopy of the recorded declaration of condominium
399 of each condominium operated by the association and each
400 amendment to each declaration.

401 3. A photocopy of the recorded bylaws of the association
402 and each amendment to the bylaws.

403 4. A certified copy of the articles of incorporation of
404 the association, or other documents creating the association,
405 and each amendment thereto.

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

407 6. A book or books that contain the minutes of all
408 meetings of the association, the board of administration, and
409 the unit owners.

410 7. A current roster of all unit owners and their mailing
411 addresses, unit identifications, voting certifications, and, if
412 known, telephone numbers. The association shall also maintain
413 the e-mail addresses and facsimile numbers of unit owners
414 consenting to receive notice by electronic transmission. ~~The e-~~
415 ~~mail addresses and facsimile numbers are not accessible to unit~~
416 ~~owners if consent to receive notice by electronic transmission~~
417 ~~is not provided~~ In accordance with sub-subparagraph (c)5.e., the
418 e-mail addresses and facsimile numbers are only accessible to
419 unit owners if consent to receive notice by electronic
420 transmission is provided ~~(c)3.e.~~ However, the association is not
421 liable for an inadvertent disclosure of the e-mail address or
422 facsimile number for receiving electronic transmission of
423 notices.

424 8. All current insurance policies of the association and
425 condominiums operated by the association.

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426 9. A current copy of any management agreement, lease, or
427 other contract to which the association is a party or under
428 which the association or the unit owners have an obligation or
429 responsibility.

430 10. Bills of sale or transfer for all property owned by
431 the association.

432 11. Accounting records for the association and separate
433 accounting records for each condominium that the association
434 operates. Any person who knowingly or intentionally defaces or
435 destroys such records, or who knowingly or intentionally fails
436 to create or maintain such records, with the intent of causing
437 harm to the association or one or more of its members, is
438 personally subject to a civil penalty pursuant to s.
439 718.501(1)(d). The accounting records must include, but are not
440 limited to:

441 a. Accurate, itemized, and detailed records of all
442 receipts and expenditures.

443 b. All invoices, transaction receipts, deposit slips, or
444 other underlying documentation that substantiates any receipt or
445 expenditure of funds by the association.

446 ~~c.b.~~ A current account and a monthly, bimonthly, or
447 quarterly statement of the account for each unit designating the
448 name of the unit owner, the due date and amount of each
449 assessment, the amount paid on the account, and the balance due.

450 ~~d.e.~~ All audits, reviews, accounting statements,

451 structural integrity reserve studies, and financial reports of
452 the association or condominium. Structural integrity reserve
453 studies must be maintained for at least 15 years after the study
454 is completed.

455 ~~e.d.~~ All contracts for work to be performed. Bids for work
456 to be performed are also considered official records and must be
457 maintained by the association for at least 1 year after receipt
458 of the bid.

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

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

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

468 15. A copy of the inspection reports described in ss.
469 553.899 and 718.301(4) (p) and any other inspection report
470 relating to a structural or life safety inspection of
471 condominium property. Such record must be maintained by the
472 association for 15 years after receipt of the report.

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

474 17. All affirmative acknowledgments made pursuant to s.
475 718.121 (4) (c).

476 18. A copy of all building permits issued for ongoing or
 477 planned construction.

478 ~~19.18.~~ All other written records of the association not
 479 specifically included in the foregoing which are related to the
 480 operation of the association.

481 (b) The official records specified in subparagraphs (a)1.-
 482 6. must be permanently maintained from the inception of the
 483 association. Bids for work to be performed or for materials,
 484 equipment, or services must be maintained for at least 1 year
 485 after receipt of the bid. All other official records must be
 486 maintained within the state for at least 7 years, unless
 487 otherwise provided by general law. The official records must be
 488 maintained in an organized manner that facilitates inspection of
 489 the records by a unit owner. The obligation to maintain official
 490 records includes the obligation to obtain and recreate those
 491 records to the fullest extent possible in the event that the
 492 records are lost, destroyed, or otherwise unavailable. The
 493 records of the association shall be made available to a unit
 494 owner within 45 miles of the condominium property or within the
 495 county in which the condominium property is located within 10
 496 working days after receipt of a written request by the board or
 497 its designee. However, such distance requirement does not apply
 498 to an association governing a timeshare condominium. This
 499 paragraph and paragraph (c) may be complied with by having a
 500 copy of the official records of the association available for

501 inspection or copying on the condominium property or association
502 property, or the association may offer the option of making the
503 records available to a unit owner electronically via the
504 Internet as provided under paragraph (g) or by allowing the
505 records to be viewed in electronic format on a computer screen
506 and printed upon request. The association is not responsible for
507 the use or misuse of the information provided to an association
508 member or his or her authorized representative in compliance
509 with this chapter unless the association has an affirmative duty
510 not to disclose such information under this chapter.

511 (c)1.a.~~(e)1.~~ The official records of the association are
512 open to inspection by any association member and any person
513 authorized by an association member as a representative of such
514 member at all reasonable times. The right to inspect the records
515 includes the right to make or obtain copies, at the reasonable
516 expense, if any, of the member and of the person authorized by
517 the association member as a representative of such member. A
518 renter of a unit has a right to inspect and copy only the
519 declaration of condominium, the association's bylaws and rules,
520 and the inspection reports described in ss. 553.899 and
521 718.301(4)(p). The association may adopt reasonable rules
522 regarding the frequency, time, location, notice, and manner of
523 record inspections and copying but may not require a member to
524 demonstrate any purpose or state any reason for the inspection.
525 The failure of an association to provide the records within 10

526 working days after receipt of a written request creates a
527 rebuttable presumption that the association willfully failed to
528 comply with this paragraph. A unit owner who is denied access to
529 official records is entitled to the actual damages or minimum
530 damages for the association's willful failure to comply. Minimum
531 damages are \$50 per calendar day for up to 10 days, beginning on
532 the 11th working day after receipt of the written request. The
533 failure to permit inspection entitles any person prevailing in
534 an enforcement action to recover reasonable attorney fees from
535 the person in control of the records who, directly or
536 indirectly, knowingly denied access to the records. If the
537 requested records are posted on an association's website, the
538 association may fulfill its obligations as provided under this
539 paragraph by directing to the website all persons authorized to
540 request access to official records pursuant to this paragraph.

541 b. In response to a statutorily compliant written request
542 to inspect records, the association must simultaneously provide
543 to the requestor a checklist of all records made available for
544 inspection and copying and a sworn affidavit in which the person
545 facilitating or handling the association's compliance with the
546 request attests to the veracity of the checklist provided to the
547 requestor. The checklist must also identify any of the
548 association's official records that were not made available to
549 the requestor. An association must maintain a checklist provided
550 under this sub-subparagraph for 7 years. An association

551 delivering a checklist and affidavit pursuant to this sub-
552 subparagraph creates a rebuttable presumption that the
553 association has complied with this paragraph.

554 2. A director or member of the board or association or a
555 community association manager who knowingly, willfully, and
556 repeatedly violates subparagraph 1. commits a misdemeanor of the
557 second degree, punishable as provided in s. 775.082 or s.
558 775.083. For purposes of this subparagraph, the term
559 "repeatedly" means two or more violations within a 12-month
560 period.

561 3.2. Any person who knowingly or intentionally defaces or
562 destroys accounting records that are required by this chapter to
563 be maintained during the period for which such records are
564 required to be maintained, or who knowingly or intentionally
565 fails to create or maintain accounting records that are required
566 to be created or maintained, with the intent of causing harm to
567 the association or one or more of its members, is personally
568 subject to a civil penalty pursuant to s. 718.501(1)(d).

569 4. A person who willfully and knowingly refuses to release
570 or otherwise produce association records with the intent to
571 avoid or escape detection, arrest, trial, or punishment for the
572 commission of a crime, or to assist another person with such
573 avoidance or escape, commits a felony of the third degree,
574 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

575 5.3. The association shall maintain an adequate number of

576 | copies of the declaration, articles of incorporation, bylaws,
577 | and rules, and all amendments to each of the foregoing, as well
578 | as the question and answer sheet as described in s. 718.504 and
579 | year-end financial information required under this section, on
580 | the condominium property to ensure their availability to unit
581 | owners and prospective purchasers, and may charge its actual
582 | costs for preparing and furnishing these documents to those
583 | requesting the documents. An association shall allow a member or
584 | his or her authorized representative to use a portable device,
585 | including a smartphone, tablet, portable scanner, or any other
586 | technology capable of scanning or taking photographs, to make an
587 | electronic copy of the official records in lieu of the
588 | association's providing the member or his or her authorized
589 | representative with a copy of such records. The association may
590 | not charge a member or his or her authorized representative for
591 | the use of a portable device. Notwithstanding this paragraph,
592 | the following records are not accessible to unit owners:

593 | a. Any record protected by the lawyer-client privilege as
594 | described in s. 90.502 and any record protected by the work-
595 | product privilege, including a record prepared by an association
596 | attorney or prepared at the attorney's express direction, which
597 | reflects a mental impression, conclusion, litigation strategy,
598 | or legal theory of the attorney or the association, and which
599 | was prepared exclusively for civil or criminal litigation or for
600 | adversarial administrative proceedings, or which was prepared in

601 anticipation of such litigation or proceedings until the
602 conclusion of the litigation or proceedings.

603 b. Information obtained by an association in connection
604 with the approval of the lease, sale, or other transfer of a
605 unit.

606 c. Personnel records of association or management company
607 employees, including, but not limited to, disciplinary, payroll,
608 health, and insurance records. For purposes of this sub-
609 subparagraph, the term "personnel records" does not include
610 written employment agreements with an association employee or
611 management company, or budgetary or financial records that
612 indicate the compensation paid to an association employee.

613 d. Medical records of unit owners.

614 e. Social security numbers, driver license numbers, credit
615 card numbers, e-mail addresses, telephone numbers, facsimile
616 numbers, emergency contact information, addresses of a unit
617 owner other than as provided to fulfill the association's notice
618 requirements, and other personal identifying information of any
619 person, excluding the person's name, unit designation, mailing
620 address, property address, and any address, e-mail address, or
621 facsimile number provided to the association to fulfill the
622 association's notice requirements. Notwithstanding the
623 restrictions in this sub-subparagraph, an association may print
624 and distribute to unit owners a directory containing the name,
625 unit address, and all telephone numbers of each unit owner.

626 However, an owner may exclude his or her telephone numbers from
627 the directory by so requesting in writing to the association. An
628 owner may consent in writing to the disclosure of other contact
629 information described in this sub-subparagraph. The association
630 is not liable for the inadvertent disclosure of information that
631 is protected under this sub-subparagraph if the information is
632 included in an official record of the association and is
633 voluntarily provided by an owner and not requested by the
634 association.

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

637 g. The software and operating system used by the
638 association which allow the manipulation of data, even if the
639 owner owns a copy of the same software used by the association.
640 The data is part of the official records of the association.

641 h. All affirmative acknowledgments made pursuant to s.
642 718.121(4)(c).

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

645 (e)1. The association or its authorized agent is not
646 required to provide a prospective purchaser or lienholder with
647 information about the condominium or the association other than
648 information or documents required by this chapter to be made
649 available or disclosed. The association or its authorized agent
650 may charge a reasonable fee to the prospective purchaser,

651 | lienholder, or the current unit owner for providing good faith
652 | responses to requests for information by or on behalf of a
653 | prospective purchaser or lienholder, other than that required by
654 | law, if the fee does not exceed \$150 plus the reasonable cost of
655 | photocopying and any attorney's fees incurred by the association
656 | in connection with the response.

657 | 2. An association and its authorized agent are not liable
658 | for providing such information in good faith pursuant to a
659 | written request if the person providing the information includes
660 | a written statement in substantially the following form: "The
661 | responses herein are made in good faith and to the best of my
662 | ability as to their accuracy."

663 | (f) An outgoing board or committee member must relinquish
664 | all official records and property of the association in his or
665 | her possession or under his or her control to the incoming board
666 | within 5 days after the election. The division shall impose a
667 | civil penalty as set forth in s. 718.501(1)(d)6. against an
668 | outgoing board or committee member who willfully and knowingly
669 | fails to relinquish such records and property.

670 | (g)1. By January 1, 2019, an association managing a
671 | condominium with 150 or more units which does not contain
672 | timeshare units shall post digital copies of the documents
673 | specified in subparagraph 2. on its website or make such
674 | documents available through an application that can be
675 | downloaded on a mobile device.

676 a. The association's website or application must be:
 677 (I) An independent website, application, or web portal
 678 wholly owned and operated by the association; or
 679 (II) A website, application, or web portal operated by a
 680 third-party provider with whom the association owns, leases,
 681 rents, or otherwise obtains the right to operate a web page,
 682 subpage, web portal, collection of subpages or web portals, or
 683 an application which is dedicated to the association's
 684 activities and on which required notices, records, and documents
 685 may be posted or made available by the association.

686 b. The association's website or application must be
 687 accessible through the Internet and must contain a subpage, web
 688 portal, or other protected electronic location that is
 689 inaccessible to the general public and accessible only to unit
 690 owners and employees of the association.

691 c. Upon a unit owner's written request, the association
 692 must provide the unit owner with a username and password and
 693 access to the protected sections of the association's website or
 694 application which contain any notices, records, or documents
 695 that must be electronically provided.

696 2. A current copy of the following documents must be
 697 posted in digital format on the association's website or
 698 application:

699 a. The recorded declaration of condominium of each
 700 condominium operated by the association and each amendment to

701 each declaration.

702 b. The recorded bylaws of the association and each
703 amendment to the bylaws.

704 c. The articles of incorporation of the association, or
705 other documents creating the association, and each amendment to
706 the articles of incorporation or other documents. The copy
707 posted pursuant to this sub-subparagraph must be a copy of the
708 articles of incorporation filed with the Department of State.

709 d. The rules of the association.

710 e. A list of all executory contracts or documents to which
711 the association is a party or under which the association or the
712 unit owners have an obligation or responsibility and, after
713 bidding for the related materials, equipment, or services has
714 closed, a list of bids received by the association within the
715 past year. Summaries of bids for materials, equipment, or
716 services which exceed \$500 must be maintained on the website or
717 application for 1 year. In lieu of summaries, complete copies of
718 the bids may be posted.

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

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

724 h. The certification of each director required by s.
725 718.112(2)(d)4.b.

726 i. All contracts or transactions between the association
727 and any director, officer, corporation, firm, or association
728 that is not an affiliated condominium association or any other
729 entity in which an association director is also a director or
730 officer and financially interested.

731 j. Any contract or document regarding a conflict of
732 interest or possible conflict of interest as provided in ss.
733 468.4335, 468.436(2)(b)6., and 718.3027(3).

734 k. The notice of any unit owner meeting and the agenda for
735 the meeting, as required by s. 718.112(2)(d)3., no later than 14
736 days before the meeting. The notice must be posted in plain view
737 on the front page of the website or application, or on a
738 separate subpage of the website or application labeled "Notices"
739 which is conspicuously visible and linked from the front page.
740 The association must also post on its website or application any
741 document to be considered and voted on by the owners during the
742 meeting or any document listed on the agenda at least 7 days
743 before the meeting at which the document or the information
744 within the document will be considered.

745 l. Notice of any board meeting, the agenda, and any other
746 document required for the meeting as required by s.
747 718.112(2)(c), which must be posted no later than the date
748 required for notice under s. 718.112(2)(c).

749 m. The inspection reports described in ss. 553.899 and
750 718.301(4)(p) and any other inspection report relating to a

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751 structural or life safety inspection of condominium property.

752 n. The association's most recent structural integrity
753 reserve study, if applicable.

754 o. Copies of all building permits issued for ongoing or
755 planned construction.

756 3. The association shall ensure that the information and
757 records described in paragraph (c), which are not allowed to be
758 accessible to unit owners, are not posted on the association's
759 website or application. If protected information or information
760 restricted from being accessible to unit owners is included in
761 documents that are required to be posted on the association's
762 website or application, the association shall ensure the
763 information is redacted before posting the documents.

764 Notwithstanding the foregoing, the association or its agent is
765 not liable for disclosing information that is protected or
766 restricted under this paragraph unless such disclosure was made
767 with a knowing or intentional disregard of the protected or
768 restricted nature of such information.

769 4. The failure of the association to post information
770 required under subparagraph 2. is not in and of itself
771 sufficient to invalidate any action or decision of the
772 association's board or its committees.

773 (13) FINANCIAL REPORTING.—Within 90 days after the end of
774 the fiscal year, or annually on a date provided in the bylaws,
775 the association shall prepare and complete, or contract for the

776 preparation and completion of, a financial report for the
777 preceding fiscal year. Within 21 days after the final financial
778 report is completed by the association or received from the
779 third party, but not later than 120 days after the end of the
780 fiscal year or other date as provided in the bylaws, the
781 association shall deliver ~~mail~~ to each unit owner by United
782 States mail or personal delivery at the mailing address,
783 property address, e-mail address, or facsimile number provided
784 to fulfill the association's notice requirements ~~at the address~~
785 ~~last furnished to the association by the unit owner, or hand~~
786 ~~deliver to each unit owner,~~ a copy of the management letter or
787 opinion letter, as applicable, for the most recent financial
788 report, and ~~or~~ a notice that a copy of the most recent financial
789 report will be mailed or hand delivered to the unit owner,
790 without charge, within 5 business days after receipt of a
791 written request from the unit owner. The division shall adopt
792 rules setting forth uniform accounting principles and standards
793 to be used by all associations and addressing the financial
794 reporting requirements for multicondominium associations. The
795 rules must include, but not be limited to, standards for
796 presenting a summary of association reserves, including a good
797 faith estimate disclosing the annual amount of reserve funds
798 that would be necessary for the association to fully fund
799 reserves for each reserve item based on the straight-line
800 accounting method. This disclosure is not applicable to reserves

801 funded via the pooling method. In adopting such rules, the
802 division shall consider the number of members and annual
803 revenues of an association. Financial reports shall be prepared
804 as follows:

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

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

813 2. An association with total annual revenues of at least
814 \$300,000, but less than \$500,000, shall prepare reviewed
815 financial statements.

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

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

821 2. A report of cash receipts and disbursements must
822 disclose the amount of receipts by accounts and receipt
823 classifications and the amount of expenses by accounts and
824 expense classifications, including, but not limited to, the
825 following, as applicable: costs for security, professional and

826 management fees and expenses, taxes, costs for recreation
 827 facilities, expenses for refuse collection and utility services,
 828 expenses for lawn care, costs for building maintenance and
 829 repair, insurance costs, administration and salary expenses, and
 830 reserves accumulated and expended for capital expenditures,
 831 planned ~~deferred~~ maintenance, and any other category for which
 832 the association maintains reserves.

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

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

838 2. Reviewed or audited financial statements, if the
 839 association is required to prepare compiled financial
 840 statements; or

841 3. Audited financial statements if the association is
 842 required to prepare reviewed financial statements.

843 (d) If approved by a majority of the voting interests
 844 present at a properly called meeting of the association, an
 845 association may prepare:

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

848 2. A report of cash receipts and expenditures or a
 849 compiled financial statement in lieu of a reviewed or audited
 850 financial statement; or

851 3. A report of cash receipts and expenditures, a compiled
852 financial statement, or a reviewed financial statement in lieu
853 of an audited financial statement.

854
855 Such meeting and approval must occur before the end of the
856 fiscal year and is effective only for the fiscal year in which
857 the vote is taken. An association may not prepare a financial
858 report pursuant to this paragraph for consecutive fiscal years,
859 ~~except that the approval may also be effective for the following~~
860 ~~fiscal year.~~ If the developer has not turned over control of the
861 association, all unit owners, including the developer, may vote
862 on issues related to the preparation of the association's
863 financial reports, from the date of incorporation of the
864 association through the end of the second fiscal year after the
865 fiscal year in which the certificate of a surveyor and mapper is
866 recorded pursuant to s. 718.104(4)(e) or an instrument that
867 transfers title to a unit in the condominium which is not
868 accompanied by a recorded assignment of developer rights in
869 favor of the grantee of such unit is recorded, whichever occurs
870 first. Thereafter, all unit owners except the developer may vote
871 on such issues until control is turned over to the association
872 by the developer. Any audit or review prepared under this
873 section shall be paid for by the developer if done before
874 turnover of control of the association.

875 (e) A unit owner may provide written notice to the

876 | division of the association's failure to mail or hand deliver
877 | him or her a copy of the most recent financial report within 5
878 | business days after he or she submitted a written request to the
879 | association for a copy of such report. If the division
880 | determines that the association failed to mail or hand deliver a
881 | copy of the most recent financial report to the unit owner, the
882 | division shall provide written notice to the association that
883 | the association must mail or hand deliver a copy of the most
884 | recent financial report to the unit owner and the division
885 | within 5 business days after it receives such notice from the
886 | division. An association that fails to comply with the
887 | division's request may not waive the financial reporting
888 | requirement provided in paragraph (d) for the fiscal year in
889 | which the unit owner's request was made and the following fiscal
890 | year. A financial report received by the division pursuant to
891 | this paragraph shall be maintained, and the division shall
892 | provide a copy of such report to an association member upon his
893 | or her request.

894 | (15) DEBIT CARDS.—

895 | (a) An association and its officers, directors, employees,
896 | and agents may not use a debit card issued in the name of the
897 | association, or billed directly to the association, for the
898 | payment of any association expense.

899 | (b) A person who uses ~~Use of~~ a debit card issued in the
900 | name of the association, or billed directly to the association,

901 for any expense that is not a lawful obligation of the
 902 association commits theft under s. 812.014. For the purposes of
 903 this paragraph, the term "lawful obligation of the association"
 904 means an obligation that has been properly preapproved by the
 905 board and is reflected in the meeting minutes or the written
 906 budget ~~may be prosecuted as credit card fraud pursuant to s.~~
 907 ~~817.61.~~

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

911 718.111 The association.—

912 (12) OFFICIAL RECORDS.—

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

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

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

922 (II) A website, application, or web portal operated by a
 923 third-party provider with whom the association owns, leases,
 924 rents, or otherwise obtains the right to operate a web page,
 925 subpage, web portal, collection of subpages or web portals, or

926 an application which is dedicated to the association's
927 activities and on which required notices, records, and documents
928 may be posted or made available by the association.

929 b. The association's website or application must be
930 accessible through the Internet and must contain a subpage, web
931 portal, or other protected electronic location that is
932 inaccessible to the general public and accessible only to unit
933 owners and employees of the association.

934 c. Upon a unit owner's written request, the association
935 must provide the unit owner with a username and password and
936 access to the protected sections of the association's website or
937 application which contain any notices, records, or documents
938 that must be electronically provided.

939 2. A current copy of the following documents must be
940 posted in digital format on the association's website or
941 application:

942 a. The recorded declaration of condominium of each
943 condominium operated by the association and each amendment to
944 each declaration.

945 b. The recorded bylaws of the association and each
946 amendment to the bylaws.

947 c. The articles of incorporation of the association, or
948 other documents creating the association, and each amendment to
949 the articles of incorporation or other documents. The copy
950 posted pursuant to this sub-subparagraph must be a copy of the

951 articles of incorporation filed with the Department of State.

952 d. The rules of the association.

953 e. A list of all executory contracts or documents to which
954 the association is a party or under which the association or the
955 unit owners have an obligation or responsibility and, after
956 bidding for the related materials, equipment, or services has
957 closed, a list of bids received by the association within the
958 past year. Summaries of bids for materials, equipment, or
959 services which exceed \$500 must be maintained on the website or
960 application for 1 year. In lieu of summaries, complete copies of
961 the bids may be posted.

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

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

967 h. The certification of each director required by s.
968 718.112(2)(d)4.b.

969 i. All contracts or transactions between the association
970 and any director, officer, corporation, firm, or association
971 that is not an affiliated condominium association or any other
972 entity in which an association director is also a director or
973 officer and financially interested.

974 j. Any contract or document regarding a conflict of
975 interest or possible conflict of interest as provided in ss.

976 468.4335, 468.436(2)(b)6., and 718.3027(3).

977 k. The notice of any unit owner meeting and the agenda for
 978 the meeting, as required by s. 718.112(2)(d)3., no later than 14
 979 days before the meeting. The notice must be posted in plain view
 980 on the front page of the website or application, or on a
 981 separate subpage of the website or application labeled "Notices"
 982 which is conspicuously visible and linked from the front page.
 983 The association must also post on its website or application any
 984 document to be considered and voted on by the owners during the
 985 meeting or any document listed on the agenda at least 7 days
 986 before the meeting at which the document or the information
 987 within the document will be considered.

988 l. Notice of any board meeting, the agenda, and any other
 989 document required for the meeting as required by s.
 990 718.112(2)(c), which must be posted no later than the date
 991 required for notice under s. 718.112(2)(c).

992 m. The inspection reports described in ss. 553.899 and
 993 718.301(4)(p) and any other inspection report relating to a
 994 structural or life safety inspection of condominium property.

995 n. The association's most recent structural integrity
 996 reserve study, if applicable.

997 o. Copies of all building permits issued for ongoing or
 998 planned construction.

999 3. The association shall ensure that the information and
 1000 records described in paragraph (c), which are not allowed to be

1001 accessible to unit owners, are not posted on the association's
 1002 website or application. If protected information or information
 1003 restricted from being accessible to unit owners is included in
 1004 documents that are required to be posted on the association's
 1005 website or application, the association shall ensure the
 1006 information is redacted before posting the documents.
 1007 Notwithstanding the foregoing, the association or its agent is
 1008 not liable for disclosing information that is protected or
 1009 restricted under this paragraph unless such disclosure was made
 1010 with a knowing or intentional disregard of the protected or
 1011 restricted nature of such information.

1012 4. The failure of the association to post information
 1013 required under subparagraph 2. is not in and of itself
 1014 sufficient to invalidate any action or decision of the
 1015 association's board or its committees.

1016 Section 8. Paragraphs (c), (d), (f), (g), (i), and (q) of
 1017 subsection (2) of section 718.112, Florida Statutes, are
 1018 amended, and paragraph (r) is added to that subsection, to read:

1019 718.112 Bylaws.—

1020 (2) REQUIRED PROVISIONS.—The bylaws shall provide for the
 1021 following and, if they do not do so, shall be deemed to include
 1022 the following:

1023 (c) *Board of administration meetings.*—In a residential
 1024 condominium association of more than 10 units, the board of
 1025 administration shall meet at least four times each year for the

1026 purpose of responding to inquiries from members and informing
1027 members on the state of the condominium, including the status of
1028 any construction or repair projects, the status of the
1029 association's revenue and expenditures during the fiscal year,
1030 or other issues affecting the association. Meetings of the board
1031 of administration at which a quorum of the members is present
1032 are open to all unit owners. Members of the board of
1033 administration may use e-mail as a means of communication but
1034 may not cast a vote on an association matter via e-mail. A unit
1035 owner may tape record or videotape the meetings. The right to
1036 attend such meetings includes the right to speak at such
1037 meetings with reference to all designated agenda items. The
1038 division shall adopt reasonable rules governing the tape
1039 recording and videotaping of the meeting. The association may
1040 adopt written reasonable rules governing the frequency,
1041 duration, and manner of unit owner statements.

1042 1. Adequate notice of all board meetings, which must
1043 specifically identify all agenda items, must be posted
1044 conspicuously on the condominium property at least 48 continuous
1045 hours before the meeting except in an emergency. If 20 percent
1046 of the voting interests petition the board to address an item of
1047 business, the board, within 60 days after receipt of the
1048 petition, shall place the item on the agenda at its next regular
1049 board meeting or at a special meeting called for that purpose.
1050 An item not included on the notice may be taken up on an

1051 emergency basis by a vote of at least a majority plus one of the
 1052 board members. Such emergency action must be noticed and
 1053 ratified at the next regular board meeting. Written notice of a
 1054 meeting at which a nonemergency special assessment or an
 1055 amendment to rules regarding unit use will be considered must be
 1056 mailed, delivered, or electronically transmitted to the unit
 1057 owners and posted conspicuously on the condominium property at
 1058 least 14 days before the meeting. Evidence of compliance with
 1059 this 14-day notice requirement must be made by an affidavit
 1060 executed by the person providing the notice and filed with the
 1061 official records of the association. ~~Notice of any meeting in~~
 1062 ~~which regular or special assessments against unit owners are to~~
 1063 ~~be considered must specifically state that assessments will be~~
 1064 ~~considered and provide the estimated cost and description of the~~
 1065 ~~purposes for such assessments.~~

1066 2. Upon notice to the unit owners, the board shall, by
 1067 duly adopted rule, designate a specific location on the
 1068 condominium property at which ~~where~~ all notices of board
 1069 meetings must be posted. If there is no condominium property at
 1070 which ~~where~~ notices can be posted, notices shall be mailed,
 1071 delivered, or electronically transmitted to each unit owner at
 1072 least 14 days before the meeting. In lieu of or in addition to
 1073 the physical posting of the notice on the condominium property,
 1074 the association may, by reasonable rule, adopt a procedure for
 1075 conspicuously posting and repeatedly broadcasting the notice and

1076 the agenda on a closed-circuit cable television system serving
1077 the condominium association. However, if broadcast notice is
1078 used in lieu of a notice physically posted on condominium
1079 property, the notice and agenda must be broadcast at least four
1080 times every broadcast hour of each day that a posted notice is
1081 otherwise required under this section. If broadcast notice is
1082 provided, the notice and agenda must be broadcast in a manner
1083 and for a sufficient continuous length of time so as to allow an
1084 average reader to observe the notice and read and comprehend the
1085 entire content of the notice and the agenda. In addition to any
1086 of the authorized means of providing notice of a meeting of the
1087 board, the association may, by rule, adopt a procedure for
1088 conspicuously posting the meeting notice and the agenda on a
1089 website serving the condominium association for at least the
1090 minimum period of time for which a notice of a meeting is also
1091 required to be physically posted on the condominium property.
1092 Any rule adopted shall, in addition to other matters, include a
1093 requirement that the association send an electronic notice in
1094 the same manner as a notice for a meeting of the members, which
1095 must include a hyperlink to the website at which ~~where~~ the
1096 notice is posted, to unit owners whose e-mail addresses are
1097 included in the association's official records.

1098 3. Notice of any meeting in which regular or special
1099 assessments against unit owners are to be considered must
1100 specifically state that assessments will be considered and

1101 provide the estimated cost and description of the purposes for
1102 such assessments. If an agenda item relates to the approval of a
1103 contract for goods or services, a copy of the contract must be
1104 provided with the notice.

1105 ~~4.2.~~ Meetings of a committee to take final action on
1106 behalf of the board or make recommendations to the board
1107 regarding the association budget are subject to this paragraph.
1108 Meetings of a committee that does not take final action on
1109 behalf of the board or make recommendations to the board
1110 regarding the association budget are subject to this section,
1111 unless those meetings are exempted from this section by the
1112 bylaws of the association.

1113 ~~5.3.~~ Notwithstanding any other law, the requirement that
1114 board meetings and committee meetings be open to the unit owners
1115 does not apply to:

1116 a. Meetings between the board or a committee and the
1117 association's attorney, with respect to proposed or pending
1118 litigation, if the meeting is held for the purpose of seeking or
1119 rendering legal advice; or

1120 b. Board meetings held for the purpose of discussing
1121 personnel matters.

1122 (d) *Unit owner meetings.*—

1123 1. An annual meeting of the unit owners must be held at
1124 the location provided in the association bylaws and, if the
1125 bylaws are silent as to the location, the meeting must be held

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1126 within 45 miles of the condominium property. However, such
1127 distance requirement does not apply to an association governing
1128 a timeshare condominium.

1129 2. Unless the bylaws provide otherwise, a vacancy on the
1130 board caused by the expiration of a director's term must be
1131 filled by electing a new board member, and the election must be
1132 by secret ballot. An election is not required if the number of
1133 vacancies equals or exceeds the number of candidates. For
1134 purposes of this paragraph, the term "candidate" means an
1135 eligible person who has timely submitted the written notice, as
1136 described in sub-subparagraph 4.a., of his or her intention to
1137 become a candidate. Except in a timeshare or nonresidential
1138 condominium, or if the staggered term of a board member does not
1139 expire until a later annual meeting, or if all members' terms
1140 would otherwise expire but there are no candidates, the terms of
1141 all board members expire at the annual meeting, and such members
1142 may stand for reelection unless prohibited by the bylaws. Board
1143 members may serve terms longer than 1 year if permitted by the
1144 bylaws or articles of incorporation. A board member may not
1145 serve more than 8 consecutive years unless approved by an
1146 affirmative vote of unit owners representing two-thirds of all
1147 votes cast in the election or unless there are not enough
1148 eligible candidates to fill the vacancies on the board at the
1149 time of the vacancy. Only board service that occurs on or after
1150 July 1, 2018, may be used when calculating a board member's term

1151 | limit. If the number of board members whose terms expire at the
1152 | annual meeting equals or exceeds the number of candidates, the
1153 | candidates become members of the board effective upon the
1154 | adjournment of the annual meeting. Unless the bylaws provide
1155 | otherwise, any remaining vacancies shall be filled by the
1156 | affirmative vote of the majority of the directors making up the
1157 | newly constituted board even if the directors constitute less
1158 | than a quorum or there is only one director. In a residential
1159 | condominium association of more than 10 units or in a
1160 | residential condominium association that does not include
1161 | timeshare units or timeshare interests, co-owners of a unit may
1162 | not serve as members of the board of directors at the same time
1163 | unless they own more than one unit or unless there are not
1164 | enough eligible candidates to fill the vacancies on the board at
1165 | the time of the vacancy. A unit owner in a residential
1166 | condominium desiring to be a candidate for board membership must
1167 | comply with sub-subparagraph 4.a. and must be eligible to be a
1168 | candidate to serve on the board of directors at the time of the
1169 | deadline for submitting a notice of intent to run in order to
1170 | have his or her name listed as a proper candidate on the ballot
1171 | or to serve on the board. A person who has been suspended or
1172 | removed by the division under this chapter, or who is delinquent
1173 | in the payment of any assessment due to the association, is not
1174 | eligible to be a candidate for board membership and may not be
1175 | listed on the ballot. For purposes of this paragraph, a person

1176 is delinquent if a payment is not made by the due date as
1177 specifically identified in the declaration of condominium,
1178 bylaws, or articles of incorporation. If a due date is not
1179 specifically identified in the declaration of condominium,
1180 bylaws, or articles of incorporation, the due date is the first
1181 day of the assessment period. A person who has been convicted of
1182 any felony in this state or in a United States District or
1183 Territorial Court, or who has been convicted of any offense in
1184 another jurisdiction which would be considered a felony if
1185 committed in this state, is not eligible for board membership
1186 unless such felon's civil rights have been restored for at least
1187 5 years as of the date such person seeks election to the board.
1188 The validity of an action by the board is not affected if it is
1189 later determined that a board member is ineligible for board
1190 membership due to having been convicted of a felony. This
1191 subparagraph does not limit the term of a member of the board of
1192 a nonresidential or timeshare condominium.

1193 3. The bylaws must provide the method of calling meetings
1194 of unit owners, including annual meetings. Written notice of an
1195 annual meeting must include an agenda; be mailed, hand
1196 delivered, or electronically transmitted to each unit owner at
1197 least 14 days before the annual meeting; and be posted in a
1198 conspicuous place on the condominium property or association
1199 property at least 14 continuous days before the annual meeting.
1200 Written notice of a meeting other than an annual meeting must

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1201 include an agenda; be mailed, hand delivered, or electronically
1202 transmitted to each unit owner; and be posted in a conspicuous
1203 place on the condominium property or association property within
1204 the timeframe specified in the bylaws. If the bylaws do not
1205 specify a timeframe for written notice of a meeting other than
1206 an annual meeting, notice must be provided at least 14
1207 continuous days before the meeting. Upon notice to the unit
1208 owners, the board shall, by duly adopted rule, designate a
1209 specific location on the condominium property or association
1210 property at which ~~where~~ all notices of unit owner meetings must
1211 be posted. This requirement does not apply if there is no
1212 condominium property for posting notices. In lieu of, or in
1213 addition to, the physical posting of meeting notices, the
1214 association may, by reasonable rule, adopt a procedure for
1215 conspicuously posting and repeatedly broadcasting the notice and
1216 the agenda on a closed-circuit cable television system serving
1217 the condominium association. However, if broadcast notice is
1218 used in lieu of a notice posted physically on the condominium
1219 property, the notice and agenda must be broadcast at least four
1220 times every broadcast hour of each day that a posted notice is
1221 otherwise required under this section. If broadcast notice is
1222 provided, the notice and agenda must be broadcast in a manner
1223 and for a sufficient continuous length of time so as to allow an
1224 average reader to observe the notice and read and comprehend the
1225 entire content of the notice and the agenda. In addition to any

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1226 of the authorized means of providing notice of a meeting of the
1227 board, the association may, by rule, adopt a procedure for
1228 conspicuously posting the meeting notice and the agenda on a
1229 website serving the condominium association for at least the
1230 minimum period of time for which a notice of a meeting is also
1231 required to be physically posted on the condominium property.
1232 Any rule adopted shall, in addition to other matters, include a
1233 requirement that the association send an electronic notice in
1234 the same manner as a notice for a meeting of the members, which
1235 must include a hyperlink to the website at which ~~where~~ the
1236 notice is posted, to unit owners whose e-mail addresses are
1237 included in the association's official records. Unless a unit
1238 owner waives in writing the right to receive notice of the
1239 annual meeting, such notice must be hand delivered, mailed, or
1240 electronically transmitted to each unit owner. Notice for
1241 meetings and notice for all other purposes must be mailed to
1242 each unit owner at the address last furnished to the association
1243 by the unit owner, or hand delivered to each unit owner.
1244 However, if a unit is owned by more than one person, the
1245 association must provide notice to the address that the
1246 developer identifies for that purpose and thereafter as one or
1247 more of the owners of the unit advise the association in
1248 writing, or if no address is given or the owners of the unit do
1249 not agree, to the address provided on the deed of record. An
1250 officer of the association, or the manager or other person

1251 providing notice of the association meeting, must provide an
1252 affidavit or United States Postal Service certificate of
1253 mailing, to be included in the official records of the
1254 association affirming that the notice was mailed or hand
1255 delivered in accordance with this provision.

1256 4. The members of the board of a residential condominium
1257 shall be elected by written ballot or voting machine. Proxies
1258 may not be used in electing the board in general elections or
1259 elections to fill vacancies caused by recall, resignation, or
1260 otherwise, unless otherwise provided in this chapter. This
1261 subparagraph does not apply to an association governing a
1262 timeshare condominium.

1263 a. At least 60 days before a scheduled election, the
1264 association shall mail, deliver, or electronically transmit, by
1265 separate association mailing or included in another association
1266 mailing, delivery, or transmission, including regularly
1267 published newsletters, to each unit owner entitled to a vote, a
1268 first notice of the date of the election. A unit owner or other
1269 eligible person desiring to be a candidate for the board must
1270 give written notice of his or her intent to be a candidate to
1271 the association at least 40 days before a scheduled election.
1272 Together with the written notice and agenda as set forth in
1273 subparagraph 3., the association shall mail, deliver, or
1274 electronically transmit a second notice of the election to all
1275 unit owners entitled to vote, together with a ballot that lists

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1276 | all candidates not less than 14 days or more than 34 days before
1277 | the date of the election. Upon request of a candidate, an
1278 | information sheet, no larger than 8 1/2 inches by 11 inches,
1279 | which must be furnished by the candidate at least 35 days before
1280 | the election, must be included with the mailing, delivery, or
1281 | transmission of the ballot, with the costs of mailing, delivery,
1282 | or electronic transmission and copying to be borne by the
1283 | association. The association is not liable for the contents of
1284 | the information sheets prepared by the candidates. In order to
1285 | reduce costs, the association may print or duplicate the
1286 | information sheets on both sides of the paper. The division
1287 | shall by rule establish voting procedures consistent with this
1288 | sub-subparagraph, including rules establishing procedures for
1289 | giving notice by electronic transmission and rules providing for
1290 | the secrecy of ballots. Elections shall be decided by a
1291 | plurality of ballots cast. There is no quorum requirement;
1292 | however, at least 20 percent of the eligible voters must cast a
1293 | ballot in order to have a valid election. A unit owner may not
1294 | authorize any other person to vote his or her ballot, and any
1295 | ballots improperly cast are invalid. A unit owner who violates
1296 | this provision may be fined by the association in accordance
1297 | with s. 718.303. A unit owner who needs assistance in casting
1298 | the ballot for the reasons stated in s. 101.051 may obtain such
1299 | assistance. The regular election must occur on the date of the
1300 | annual meeting. Notwithstanding this sub-subparagraph, an

1301 election is not required unless more candidates file notices of
 1302 intent to run or are nominated than board vacancies exist.

1303 b. A director of a ~~Within 90 days after being elected or~~
 1304 ~~appointed to the~~ board of an association of a residential
 1305 condominium, ~~each newly elected or appointed director shall:~~

1306 (I) Certify in writing to the secretary of the association
 1307 that he or she has read the association's declaration of
 1308 condominium, articles of incorporation, bylaws, and current
 1309 written policies; that he or she will work to uphold such
 1310 documents and policies to the best of his or her ability; and
 1311 that he or she will faithfully discharge his or her fiduciary
 1312 responsibility to the association's members.

1313 (II) Submit to the secretary of the association ~~In lieu of~~
 1314 ~~this written certification, within 90 days after being elected~~
 1315 ~~or appointed to the board, the newly elected or appointed~~
 1316 ~~director may submit~~ a certificate of having satisfactorily
 1317 completed the educational curriculum administered by the
 1318 division or a division-approved condominium education provider
 1319 ~~within 1 year before or 90 days after the date of election or~~
 1320 ~~appointment.~~

1321
 1322 Each newly elected or appointed director must submit to the
 1323 secretary of the association the written certification and
 1324 educational certificate within 1 year before being elected or
 1325 appointed or 90 days after the date of election or appointment.

1326 A director of an association of a residential condominium who
 1327 was elected or appointed before July 1, 2024, must comply with
 1328 the written certification and educational certificate
 1329 requirements in this sub-subparagraph by June 30, 2025. The
 1330 written certification and ~~or~~ educational certificate is valid
 1331 for 7 years after the date of issuance and does not have to be
 1332 resubmitted as long as the director serves on the board without
 1333 interruption during the 7-year period. A director who is
 1334 appointed by the developer may satisfy the educational
 1335 certificate requirement in sub-sub-subparagraph (II) for any
 1336 subsequent appointment to a board by a developer within 7 years
 1337 after the date of issuance of the most recent educational
 1338 certificate, including any interruption of service on a board or
 1339 appointment to a board in another association within that 7-year
 1340 period. One year after submission of the most recent written
 1341 certification and educational certificate, and annually
 1342 thereafter, a director of an association of a residential
 1343 condominium must submit to the secretary of the association a
 1344 certificate of having satisfactorily completed an educational
 1345 curriculum administered by the division, or a division-approved
 1346 condominium education provider, relating to any recent changes
 1347 to this chapter and the related administrative rules during the
 1348 past year. A director of an association of a residential
 1349 condominium who fails to timely file the written certification
 1350 and ~~or~~ educational certificate is suspended from service on the

1351 board until he or she complies with this sub-subparagraph. The
1352 board may temporarily fill the vacancy during the period of
1353 suspension. The secretary shall cause the association to retain
1354 a director's written certification and ~~or~~ educational
1355 certificate for inspection by the members for 5 years after a
1356 director's election or the duration of the director's
1357 uninterrupted tenure, whichever is longer. Failure to have such
1358 written certification and ~~or~~ educational certificate on file
1359 does not affect the validity of any board action.

1360 c. Any challenge to the election process must be commenced
1361 within 60 days after the election results are announced.

1362 5. Any approval by unit owners called for by this chapter
1363 or the applicable declaration or bylaws, including, but not
1364 limited to, the approval requirement in s. 718.111(8), must be
1365 made at a duly noticed meeting of unit owners and is subject to
1366 all requirements of this chapter or the applicable condominium
1367 documents relating to unit owner decisionmaking, except that
1368 unit owners may take action by written agreement, without
1369 meetings, on matters for which action by written agreement
1370 without meetings is expressly allowed by the applicable bylaws
1371 or declaration or any law that provides for such action.

1372 6. Unit owners may waive notice of specific meetings if
1373 allowed by the applicable bylaws or declaration or any law.
1374 Notice of meetings of the board of administration; unit owner
1375 meetings, except unit owner meetings called to recall board

1376 members under paragraph (1); and committee meetings may be given
1377 by electronic transmission to unit owners who consent to receive
1378 notice by electronic transmission. A unit owner who consents to
1379 receiving notices by electronic transmission is solely
1380 responsible for removing or bypassing filters that block receipt
1381 of mass e-mails sent to members on behalf of the association in
1382 the course of giving electronic notices.

1383 7. Unit owners have the right to participate in meetings
1384 of unit owners with reference to all designated agenda items.
1385 However, the association may adopt reasonable rules governing
1386 the frequency, duration, and manner of unit owner participation.

1387 8. A unit owner may tape record or videotape a meeting of
1388 the unit owners subject to reasonable rules adopted by the
1389 division.

1390 9. Unless otherwise provided in the bylaws, any vacancy
1391 occurring on the board before the expiration of a term may be
1392 filled by the affirmative vote of the majority of the remaining
1393 directors, even if the remaining directors constitute less than
1394 a quorum, or by the sole remaining director. In the alternative,
1395 a board may hold an election to fill the vacancy, in which case
1396 the election procedures must conform to sub-subparagraph 4.a.
1397 unless the association governs 10 units or fewer and has opted
1398 out of the statutory election process, in which case the bylaws
1399 of the association control. Unless otherwise provided in the
1400 bylaws, a board member appointed or elected under this section

1401 shall fill the vacancy for the unexpired term of the seat being
 1402 filled. Filling vacancies created by recall is governed by
 1403 paragraph (1) and rules adopted by the division.

1404 10. This chapter does not limit the use of general or
 1405 limited proxies, require the use of general or limited proxies,
 1406 or require the use of a written ballot or voting machine for any
 1407 agenda item or election at any meeting of a timeshare
 1408 condominium association or nonresidential condominium
 1409 association.

1410
 1411 Notwithstanding subparagraph (b)2. and sub-subparagraph 4.a., an
 1412 association of 10 or fewer units may, by affirmative vote of a
 1413 majority of the total voting interests, provide for different
 1414 voting and election procedures in its bylaws, which may be by a
 1415 proxy specifically delineating the different voting and election
 1416 procedures. The different voting and election procedures may
 1417 provide for elections to be conducted by limited or general
 1418 proxy.

1419 (f) *Annual budget.*—

1420 1. The proposed annual budget of estimated revenues and
 1421 expenses must be detailed and must show the amounts budgeted by
 1422 accounts and expense classifications, including, at a minimum,
 1423 any applicable expenses listed in s. 718.504(21). The board
 1424 shall adopt the annual budget at least 14 days before the start
 1425 of the association's fiscal year. In the event that the board

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1426 fails to timely adopt the annual budget a second time, it is
1427 deemed a minor violation and the prior year's budget shall
1428 continue in effect until a new budget is adopted. A
1429 multicondominium association must adopt a separate budget of
1430 common expenses for each condominium the association operates
1431 and must adopt a separate budget of common expenses for the
1432 association. In addition, if the association maintains limited
1433 common elements with the cost to be shared only by those
1434 entitled to use the limited common elements as provided for in
1435 s. 718.113(1), the budget or a schedule attached to it must show
1436 the amount budgeted for this maintenance. If, after turnover of
1437 control of the association to the unit owners, any of the
1438 expenses listed in s. 718.504(21) are not applicable, they do
1439 not need to be listed.

1440 2.a. In addition to annual operating expenses, the budget
1441 must include reserve accounts for capital expenditures and
1442 planned ~~deferred~~ maintenance. These accounts must include, but
1443 are not limited to, roof replacement, building painting, and
1444 pavement resurfacing, regardless of the amount of planned
1445 ~~deferred~~ maintenance expense or replacement cost, and any other
1446 item that has a planned ~~deferred~~ maintenance expense or
1447 replacement cost that exceeds \$10,000. The amount to be reserved
1448 must be computed using a formula based upon estimated remaining
1449 useful life and estimated replacement cost or planned ~~deferred~~
1450 maintenance expense of the reserve item. In a budget adopted by

1451 an association that is required to obtain a structural integrity
1452 reserve study, reserves must be maintained for the items
1453 identified in paragraph (g) for which the association is
1454 responsible pursuant to the declaration of condominium, and the
1455 reserve amount for such items must be based on the findings and
1456 recommendations of the association's most recent structural
1457 integrity reserve study. With respect to items for which an
1458 estimate of useful life is not readily ascertainable or with an
1459 estimated remaining useful life of greater than 25 years, an
1460 association is not required to reserve replacement costs for
1461 such items, but an association must reserve the amount of
1462 planned ~~deferred~~ maintenance expense, if any, which is
1463 recommended by the structural integrity reserve study for such
1464 items. The association may adjust replacement reserve
1465 assessments annually to take into account an inflation
1466 adjustment and any changes in estimates or extension of the
1467 useful life of a reserve item caused by planned ~~deferred~~
1468 maintenance. The members of a unit-owner-controlled association
1469 may determine, by a majority vote of the total voting interests
1470 of the association, to provide no reserves or less reserves than
1471 required by this subsection. For a budget adopted on or after
1472 December 31, 2024, the members of a unit-owner-controlled
1473 association that must obtain a structural integrity reserve
1474 study may not determine to provide no reserves or less reserves
1475 than required by this subsection for items listed in paragraph

1476 (g), except that members of an association operating a
1477 multicondominium may determine to provide no reserves or less
1478 reserves than required by this subsection if an alternative
1479 funding method has been approved by the division. Additionally,
1480 members of an association may determine to provide no reserves
1481 or less reserves than required by this subsection if the
1482 condominium building or units are unsafe and uninhabitable due
1483 to substantial damage or loss as determined by the local
1484 enforcement agency, as defined in s. 553.71, and it is in the
1485 best interests of the association to use revenues and existing
1486 reserve funds to perform necessary repairs to make the building
1487 or units safe and habitable, but an association may not opt for
1488 such a waiver of reserve requirements after the building or
1489 units have been declared safe for occupancy by the local
1490 enforcement agency.

1491 b. Before turnover of control of an association by a
1492 developer to unit owners other than a developer under s.
1493 718.301, the developer-controlled association may not vote to
1494 waive the reserves or reduce funding of the reserves. If a
1495 meeting of the unit owners has been called to determine whether
1496 to waive or reduce the funding of reserves and no such result is
1497 achieved or a quorum is not attained, the reserves included in
1498 the budget shall go into effect. After the turnover, the
1499 developer may vote its voting interest to waive or reduce the
1500 funding of reserves.

1501 3. Reserve funds and any interest accruing thereon shall
1502 remain in the reserve account or accounts, and may be used only
1503 for authorized reserve expenditures unless their use for other
1504 purposes is approved in advance by a majority vote of all the
1505 total voting interests of the association. Before turnover of
1506 control of an association by a developer to unit owners other
1507 than the developer pursuant to s. 718.301, the developer-
1508 controlled association may not vote to use reserves for purposes
1509 other than those for which they were intended. For a budget
1510 adopted on or after December 31, 2024, members of a unit-owner-
1511 controlled association that must obtain a structural integrity
1512 reserve study may not vote to use reserve funds, or any interest
1513 accruing thereon, for any other purpose other than the
1514 replacement or planned ~~deferred~~ maintenance costs of the
1515 components listed in paragraph (g).

1516 4. The only voting interests that are eligible to vote on
1517 questions that involve waiving or reducing the funding of
1518 reserves, or using existing reserve funds for purposes other
1519 than purposes for which the reserves were intended, are the
1520 voting interests of the units subject to assessment to fund the
1521 reserves in question. Proxy questions relating to waiving or
1522 reducing the funding of reserves or using existing reserve funds
1523 for purposes other than purposes for which the reserves were
1524 intended must contain the following statement in capitalized,
1525 bold letters in a font size larger than any other used on the

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1526 face of the proxy ballot: WAIVING OF RESERVES, IN WHOLE OR IN
1527 PART, OR ALLOWING ALTERNATIVE USES OF EXISTING RESERVES MAY
1528 RESULT IN UNIT OWNER LIABILITY FOR PAYMENT OF UNANTICIPATED
1529 SPECIAL ASSESSMENTS REGARDING THOSE ITEMS.

1530 (g) *Structural integrity reserve study.*—

1531 1. A residential condominium association must have a
1532 structural integrity reserve study completed at least every 10
1533 years after the condominium's creation for each building on the
1534 condominium property that is three stories or higher in height,
1535 as determined by the Florida Building Code, which includes, at a
1536 minimum, a study of the following items as related to the
1537 structural integrity and safety of the building:

1538 a. Roof.

1539 b. Structure, including load-bearing walls and other
1540 primary structural members and primary structural systems as
1541 those terms are defined in s. 627.706.

1542 c. Fireproofing and fire protection systems.

1543 d. Plumbing.

1544 e. Electrical systems.

1545 f. Waterproofing and exterior painting.

1546 g. Windows and exterior doors.

1547 h. Any other item that has a planned ~~deferred~~ maintenance
1548 expense or replacement cost that exceeds \$10,000 and the failure
1549 to replace or maintain such item negatively affects the items
1550 listed in sub-subparagraphs a.-g., as determined by the visual

1551 inspection portion of the structural integrity reserve study.

1552 2. A structural integrity reserve study is based on a
1553 visual inspection of the condominium property. A structural
1554 integrity reserve study may be performed by any person qualified
1555 to perform such study. However, the visual inspection portion of
1556 the structural integrity reserve study must be performed or
1557 verified by an engineer licensed under chapter 471, an architect
1558 licensed under chapter 481, or a person certified as a reserve
1559 specialist or professional reserve analyst by the Community
1560 Associations Institute or the Association of Professional
1561 Reserve Analysts.

1562 3. At a minimum, a structural integrity reserve study must
1563 identify each item of the condominium property being visually
1564 inspected, state the estimated remaining useful life and the
1565 estimated replacement cost or planned ~~deferred~~ maintenance
1566 expense of each item of the condominium property being visually
1567 inspected, and provide a reserve funding schedule with a
1568 recommended annual reserve amount that achieves the estimated
1569 replacement cost or planned ~~deferred~~ maintenance expense of each
1570 item of condominium property being visually inspected by the end
1571 of the estimated remaining useful life of the item. The
1572 structural integrity reserve study may recommend that reserves
1573 do not need to be maintained for any item for which an estimate
1574 of useful life and an estimate of replacement cost cannot be
1575 determined, or the study may recommend a planned ~~deferred~~

1576 maintenance expense amount for such item. The structural
1577 integrity reserve study may recommend that reserves for
1578 replacement costs do not need to be maintained for any item with
1579 an estimated remaining useful life of greater than 25 years, but
1580 the study may recommend a planned ~~deferred~~ maintenance expense
1581 amount for such item. The structural integrity reserve study may
1582 recommend a temporary pause in reserve funding or reduced
1583 reserve funding if the condominium building or units are unsafe
1584 and uninhabitable due to substantial damage or loss as
1585 determined by the local enforcement agency, as defined in s.
1586 553.71, and it is in the best interests of the association to
1587 use revenues and existing reserve funds to perform necessary
1588 repairs to make the building safe and habitable, but the reserve
1589 funding schedule may not pause reserve funding after the
1590 building has been declared safe for occupancy by the local
1591 enforcement agency.

1592 4. This paragraph does not apply to buildings less than
1593 three stories in height; single-family, two-family, or three-
1594 family dwellings with three or fewer habitable stories above
1595 ground; any portion or component of a building that has not been
1596 submitted to the condominium form of ownership; or any portion
1597 or component of a building that is maintained by a party other
1598 than the association.

1599 5. Before a developer turns over control of an association
1600 to unit owners other than the developer, the developer must have

1601 a turnover inspection report in compliance with s. 718.301(4)(p)
1602 and (q) for each building on the condominium property that is
1603 three stories or higher in height.

1604 6. Associations existing on or before July 1, 2022, which
1605 are controlled by unit owners other than the developer, must
1606 have a structural integrity reserve study completed by December
1607 31, 2024, for each building on the condominium property that is
1608 three stories or higher in height. An association that is
1609 required to complete a milestone inspection in accordance with
1610 s. 553.899 on or before December 31, 2026, may complete the
1611 structural integrity reserve study simultaneously with the
1612 milestone inspection. In no event may the structural integrity
1613 reserve study be completed after December 31, 2026.

1614 7. If the milestone inspection required by s. 553.899, or
1615 an inspection completed for a similar local requirement, was
1616 performed within the past 5 years and meets the requirements of
1617 this paragraph, such inspection may be used in place of the
1618 visual inspection portion of the structural integrity reserve
1619 study.

1620 8. If the officers or directors of an association
1621 willfully and knowingly fail to complete a structural integrity
1622 reserve study pursuant to this paragraph, such failure is a
1623 breach of an officer's and director's fiduciary relationship to
1624 the unit owners under s. 718.111(1).

1625 9. Within 45 days after receiving the structural integrity

1626 reserve study, the association must distribute a copy of the
1627 study to each unit owner or deliver to each unit owner a notice
1628 that the completed study is available for inspection and copying
1629 upon a written request. Distribution of a copy of the study or
1630 notice must be made by United States mail or personal delivery
1631 to the mailing address, property address, or any other address
1632 of the owner provided to fulfill the association's notice
1633 requirements under this chapter, or by electronic transmission
1634 to the e-mail address or facsimile number provided to fulfill
1635 the association's notice requirements to unit owners who
1636 previously consented to receive notice by electronic
1637 transmission.

1638 (i) *Assessments.*—

1639 1. The manner of collecting from the unit owners their
1640 shares of the common expenses shall be stated in the bylaws.
1641 Assessments shall be made against units not less frequently than
1642 quarterly in an amount which is not less than that required to
1643 provide funds in advance for payment of all of the anticipated
1644 current operating expenses and for all of the unpaid operating
1645 expenses previously incurred. Nothing in this paragraph shall
1646 preclude the right of an association to accelerate assessments
1647 of an owner delinquent in payment of common expenses.
1648 Accelerated assessments shall be due and payable on the date the
1649 claim of lien is filed. Such accelerated assessments shall
1650 include the amounts due for the remainder of the budget year in

1651 which the claim of lien was filed.

1652 2.a. In lieu of a special assessment to fund needed
1653 repairs, maintenance, or replacement of a building component
1654 recommended by a milestone inspection required under s. 553.899
1655 or a similar local inspection requirement or a structural
1656 integrity reserve study, or unanticipated repairs, the board of
1657 a unit-owner-controlled association may approve contingent
1658 special assessments against each unit to secure a line of credit
1659 for the association to provide available funding to pay for such
1660 repairs, maintenance, or replacement. The approved line of
1661 credit must be made available to the board for the funding of
1662 the needed repairs, maintenance, or replacement. The association
1663 must record a declaration of special assessments evidencing the
1664 levy of such special assessments in the public records.

1665 b. Funding from the line of credit must be immediately
1666 available for access by the board to fund required repairs,
1667 maintenance, or replacement expenses without further approval by
1668 the members of the association. At the option of a unit owner,
1669 the special assessment may be paid in full at the time it
1670 becomes due or the payment may be amortized over a term of years
1671 as provided for by the line of credit. However, a unit owner may
1672 pay the remaining balance of the special assessment at any time
1673 during the amortization period.

1674 c. For a budget adopted on or before December 31, 2029, an
1675 association may secure a line of credit and assess a contingent

1676 special assessment as provided in this subparagraph to meet the
 1677 reserve funding schedule recommended by the structural integrity
 1678 reserve study.

1679 d. Except as authorized by sub-subparagraph c., a line of
 1680 credit and contingent special assessment in this paragraph may
 1681 not be used as an alternative to the association's reserve
 1682 funding requirements in paragraph (f).

1683 (q) *Director or officer offenses.*—

1684 1. A director or an officer charged by information or
 1685 indictment with any of the following crimes must be removed from
 1686 office:

1687 a. Forgery, as provided in s. 831.01, of a ballot envelope
 1688 or voting certificate used in a condominium association
 1689 election.

1690 b. Theft, as provided in s. 812.014, or embezzlement
 1691 involving the association's funds or property.

1692 c. Destruction of, or the refusal to allow inspection or
 1693 copying of, an official record of a condominium association
 1694 which is accessible to unit owners within the time periods
 1695 required by general law, in furtherance of any crime. Such act
 1696 constitutes tampering with physical evidence as provided in s.
 1697 918.13.

1698 d. Obstruction of justice under chapter 843.

1699 2. The board shall fill the vacancy in accordance with
 1700 paragraph (2) (d) a felony theft or embezzlement offense

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1701 ~~involving the association's funds or property must be removed~~
1702 ~~from office, creating a vacancy in the office to be filled~~
1703 ~~according to law~~ until the end of the period of the suspension
1704 or the end of the director's term of office, whichever occurs
1705 first. While such director or officer has such criminal charge
1706 pending, he or she may not be appointed or elected to a position
1707 as a director or officer of any association and may not have
1708 access to the official records of any association, except
1709 pursuant to a court order. However, if the charges are resolved
1710 without a finding of guilt, the director or officer shall be
1711 reinstated for the remainder of his or her term of office, if
1712 any.

1713 (r) Fraudulent voting activities relating to association
1714 elections; penalties.-

1715 1. A person who engages in the following acts of
1716 fraudulent voting activity relating to association elections
1717 commits a misdemeanor of the first degree, punishable as
1718 provided in s. 775.082 or s. 775.083:

1719 a. Willfully and falsely swearing to or affirming an oath
1720 or affirmation, or willfully procuring another person to falsely
1721 swear to or affirm an oath or affirmation, in connection with or
1722 arising out of voting activities.

1723 b. Perpetrating or attempting to perpetrate, or aiding in
1724 the perpetration of, fraud in connection with a vote cast, to be
1725 cast, or attempted to be cast.

1726 c. Preventing a member from voting or preventing a member
1727 from voting as he or she intended by fraudulently changing or
1728 attempting to change a ballot, ballot envelope, vote, or voting
1729 certificate of the member.

1730 d. Menacing, threatening, or using bribery or any other
1731 corruption to attempt, directly or indirectly, to influence,
1732 deceive, or deter a member when the member is voting.

1733 e. Giving or promising, directly or indirectly, anything
1734 of value to another member with the intent to buy the vote of
1735 that member or another member or to corruptly influence that
1736 member or another member in casting his or her vote. This sub-
1737 paragraph does not apply to any food served which is to be
1738 consumed at an election rally or a meeting or to any item of
1739 nominal value which is used as an election advertisement,
1740 including a campaign message designed to be worn by a member.

1741 f. Using or threatening to use, directly or indirectly,
1742 force, violence, or intimidation or any tactic of coercion or
1743 intimidation to induce or compel a member to vote or refrain
1744 from voting in an election or on a particular ballot measure.

1745 2. Each of the following acts constitutes a misdemeanor of
1746 the first degree, punishable as provided in s. 775.082 or s.
1747 775.083:

1748 a. Knowingly aiding, abetting, or advising a person in the
1749 commission of a fraudulent voting activity related to
1750 association elections.

1751 b. Agreeing, conspiring, combining, or confederating with
 1752 at least one other person to commit a fraudulent voting activity
 1753 related to association elections.

1754 c. Having knowledge of a fraudulent voting activity
 1755 related to association elections and giving any aid to the
 1756 offender with intent that the offender avoid or escape
 1757 detection, arrest, trial, or punishment. This sub-subparagraph
 1758 does not apply to a licensed attorney giving legal advice to a
 1759 client.

1760 Section 9. Subsection (5) of section 718.113, Florida
 1761 Statutes, is amended to read:

1762 718.113 Maintenance; limitation upon improvement; display
 1763 of flag; hurricane ~~shutters~~ and protection; display of religious
 1764 decorations.—

1765 (5) To protect the health, safety, and welfare of the
 1766 people of the state and to ensure uniformity and consistency in
 1767 the hurricane protections installed by condominium associations
 1768 and unit owners, this subsection applies to all residential and
 1769 mixed-use condominiums in the state, regardless of when the
 1770 condominium is created pursuant to the declaration of
 1771 condominium. Each board of administration of a residential
 1772 condominium or mixed-use condominium must ~~shall~~ adopt hurricane
 1773 protection ~~shutter~~ specifications for each building within each
 1774 condominium operated by the association which may ~~shall~~ include
 1775 color, style, and other factors deemed relevant by the board.

1776 All specifications adopted by the board must comply with the
1777 applicable building code. The installation, maintenance, repair,
1778 replacement, and operation of hurricane protection in accordance
1779 with this subsection is not considered a material alteration or
1780 substantial addition to the common elements or association
1781 property within the meaning of this section.

1782 (a) The board may, subject to s. 718.3026 and the approval
1783 of a majority of voting interests of the residential condominium
1784 or mixed-use condominium, install or require that unit owners
1785 install hurricane shutters, impact glass, code-compliant windows
1786 or doors, or other types of code-compliant hurricane protection
1787 that complies ~~comply~~ with or exceeds ~~exceed~~ the applicable
1788 building code. A vote of the unit owners to require the
1789 installation of hurricane protection must be set forth in a
1790 certificate attesting to such vote and include the date that the
1791 hurricane protection must be installed. The board must record
1792 the certificate in the public records of the county in which the
1793 condominium is located. The certificate must include the
1794 recording data identifying the declaration of condominium and
1795 must be executed in the form required for the execution of a
1796 deed. Once the certificate is recorded, the board must mail or
1797 hand deliver a copy of the recorded certificate to the unit
1798 owners at the owners' addresses, as reflected in the records of
1799 the association. The board may provide to unit owners who
1800 previously consented to receive notice by electronic

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1801 transmission a copy of the recorded certificate by electronic
1802 transmission. The failure to record the certificate or send a
1803 copy of the recorded certificate to the unit owners does not
1804 affect the validity or enforceability of the vote of the unit
1805 owners. However, A vote of the unit owners under this paragraph
1806 is not required if the installation, maintenance, repair, and
1807 replacement of the hurricane shutters, impact glass, code-
1808 compliant windows or doors, or other types of code-compliant
1809 hurricane protection, or any exterior windows, doors, or other
1810 apertures protected by the hurricane protection, is are the
1811 responsibility of the association pursuant to the declaration of
1812 condominium as originally recorded or as amended, or if the unit
1813 owners are required to install hurricane protection pursuant to
1814 the declaration of condominium as originally recorded or as
1815 amended. If hurricane protection or laminated glass or window
1816 film architecturally designed to function as hurricane
1817 protection that complies with or exceeds the current applicable
1818 building code has been previously installed, the board may not
1819 install the same type of hurricane shutters, impact glass, code-
1820 compliant windows or doors, or other types of code-compliant
1821 hurricane protection or require that unit owners install the
1822 same type of hurricane protection unless the installed hurricane
1823 protection has reached the end of its useful life or unless it
1824 is necessary to prevent damage to the common elements or to a
1825 unit except upon approval by a majority vote of the voting

1826 ~~interests.~~

1827 ~~(b) The association is responsible for the maintenance,~~
 1828 ~~repair, and replacement of the hurricane shutters, impact glass,~~
 1829 ~~code-compliant windows or doors, or other types of code-~~
 1830 ~~compliant hurricane protection authorized by this subsection if~~
 1831 ~~such property is the responsibility of the association pursuant~~
 1832 ~~to the declaration of condominium. If the hurricane shutters,~~
 1833 ~~impact glass, code-compliant windows or doors, or other types of~~
 1834 ~~code-compliant hurricane protection are the responsibility of~~
 1835 ~~the unit owners pursuant to the declaration of condominium, the~~
 1836 ~~maintenance, repair, and replacement of such items are the~~
 1837 ~~responsibility of the unit owner.~~

1838 ~~(b)(c)~~ (b) The board may operate shutters, ~~impact glass, code-~~
 1839 ~~compliant windows or doors, or other types of code-compliant~~
 1840 ~~hurricane protection installed pursuant to this subsection~~
 1841 ~~without permission of the unit owners only if such operation is~~
 1842 ~~necessary to preserve and protect the condominium property or~~
 1843 ~~and association property. The installation, replacement,~~
 1844 ~~operation, repair, and maintenance of such shutters, impact~~
 1845 ~~glass, code-compliant windows or doors, or other types of code-~~
 1846 ~~compliant hurricane protection in accordance with the procedures~~
 1847 ~~set forth in this paragraph are not a material alteration to the~~
 1848 ~~common elements or association property within the meaning of~~
 1849 ~~this section.~~

1850 (c) ~~(d)~~ Notwithstanding any other provision in the

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1851 residential condominium or mixed-use condominium documents, if
1852 approval is required by the documents, a board may not refuse to
1853 approve the installation or replacement of ~~hurricane shutters,~~
1854 ~~impact glass, code-compliant windows or doors, or other types of~~
1855 ~~code-compliant~~ hurricane protection by a unit owner which
1856 conforms ~~conforming~~ to the specifications adopted by the board.
1857 However, a board may require the unit owner to adhere to an
1858 existing unified building scheme regarding the external
1859 appearance of the condominium.

1860 (d) A unit owner is not responsible for the cost of any
1861 removal or reinstallation of hurricane protection, including
1862 exterior windows, doors, or other apertures, if its removal is
1863 necessary for the maintenance, repair, or replacement of other
1864 condominium property or association property for which the
1865 association is responsible. The board shall determine if the
1866 removal or reinstallation of hurricane protection must be
1867 completed by the unit owner or the association. If such removal
1868 or reinstallation is completed by the association, the costs
1869 incurred by the association may not be charged to the unit
1870 owner. If such removal or reinstallation is completed by the
1871 unit owner, the association must reimburse the unit owner for
1872 the cost of the removal or reinstallation or the association
1873 must apply a credit toward future assessments in the amount of
1874 the unit owner's cost to remove or reinstall the hurricane
1875 protection.

1876 (e) If the removal or reinstallation of hurricane
 1877 protection, including exterior windows, doors, or other
 1878 apertures, is the responsibility of the unit owner and the
 1879 association completes such removal or reinstallation and then
 1880 charges the unit owner for such removal or reinstallation, such
 1881 charges are enforceable as an assessment and may be collected in
 1882 the manner provided under s. 718.116.

1883 Section 10. Paragraph (e) of subsection (1) of section
 1884 718.115, Florida Statutes, is amended to read:

1885 718.115 Common expenses and common surplus.—

1886 (1)

1887 (e)1. Except as provided in s. 718.113(5) (d), ~~The expense~~
 1888 ~~of installation, replacement, operation, repair, and maintenance~~
 1889 ~~of hurricane shutters, impact glass, code-compliant windows or~~
 1890 ~~doors, or other types of code-compliant hurricane protection by~~
 1891 ~~the board pursuant to s. 718.113(5) constitutes a common expense~~
 1892 ~~and shall be collected as provided in this section if the~~
 1893 ~~association is responsible for the maintenance, repair, and~~
 1894 ~~replacement of the hurricane shutters, impact glass, code-~~
 1895 ~~compliant windows or doors, or other types of code-compliant~~
 1896 ~~hurricane protection pursuant to the declaration of condominium.~~
 1897 However, if the installation of ~~maintenance, repair, and~~
 1898 ~~replacement of the hurricane shutters, impact glass, code-~~
 1899 ~~compliant windows or doors, or other types of code-compliant~~
 1900 hurricane protection is ~~are~~ the responsibility of the unit

1901 owners pursuant to the declaration of condominium or a vote of
 1902 the unit owners under s. 718.113(5), the cost of the
 1903 installation of ~~the hurricane shutters, impact glass, code-~~
 1904 ~~compliant windows or doors, or other types of code-compliant~~
 1905 hurricane protection by the association is not a common expense
 1906 and must ~~shall~~ be charged individually to the unit owners based
 1907 on the cost of installation of ~~the hurricane shutters, impact~~
 1908 ~~glass, code-compliant windows or doors, or other types of code-~~
 1909 ~~compliant~~ hurricane protection appurtenant to the unit. The
 1910 costs of installation of hurricane protection are enforceable as
 1911 an assessment and may be collected in the manner provided under
 1912 s. 718.116.

1913 2. Notwithstanding s. 718.116(9), and regardless of
 1914 whether ~~or not~~ the declaration requires the association or unit
 1915 owners to install, maintain, repair, or replace hurricane
 1916 ~~shutters, impact glass, code-compliant windows or doors, or~~
 1917 ~~other types of code-compliant~~ hurricane protection, the a unit
 1918 owner of a unit in which ~~who has previously installed~~ hurricane
 1919 ~~shutters in accordance with s. 718.113(5) that comply with the~~
 1920 ~~current applicable building code shall receive a credit when the~~
 1921 ~~shutters are installed; a unit owner who has previously~~
 1922 ~~installed impact glass or code-compliant windows or doors that~~
 1923 ~~comply with the current applicable building code shall receive a~~
 1924 ~~credit when the impact glass or code-compliant windows or doors~~
 1925 ~~are installed; and a unit owner who has installed other types of~~

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1926 ~~code-compliant~~ hurricane protection that complies ~~comply~~ with
1927 the current applicable building code has been installed is
1928 excused from any assessment levied by the association or shall
1929 receive a credit if ~~when~~ the same type of ~~other code-compliant~~
1930 hurricane protection is installed by the association, ~~and the~~
1931 ~~credit shall be equal to the pro rata portion of the assessed~~
1932 ~~installation cost assigned to each unit. A credit is applicable~~
1933 if the installation of hurricane protection is for all other
1934 units that do not have hurricane protection and the cost of such
1935 installation is funded by the association's budget, including
1936 the use of reserve funds. The credit must be equal to the amount
1937 that the unit owner would have been assessed to install the
1938 hurricane protection. However, such unit owner remains
1939 responsible for the pro rata share of expenses for ~~hurricane~~
1940 ~~shutters, impact glass, code-compliant windows or doors, or~~
1941 ~~other types of code-compliant~~ hurricane protection installed on
1942 common elements and association property by the board pursuant
1943 to s. 718.113(5) and remains responsible for a pro rata share of
1944 the expense of the replacement, operation, repair, and
1945 maintenance of such ~~shutters, impact glass, code-compliant~~
1946 ~~windows or doors, or other types of code-compliant~~ hurricane
1947 protection. Expenses for the installation, replacement,
1948 operation, repair, or maintenance of hurricane protection on
1949 common elements and association property are common expenses.

1950 Section 11. Subsection (10) of section 718.116, Florida

1951 Statutes, is amended to read:

1952 718.116 Assessments; liability; lien and priority;
1953 interest; collection.—

1954 (10) The specific purpose or purposes of any special
1955 assessment, including any contingent special assessment levied
1956 in conjunction with the purchase of an insurance policy
1957 authorized by s. 718.111(11), approved in accordance with the
1958 condominium documents shall be set forth in a written notice of
1959 such assessment sent or delivered to each unit owner and
1960 recorded in the public records. The funds collected pursuant to
1961 a special assessment shall be used only for the specific purpose
1962 or purposes set forth in such notice. However, upon completion
1963 of such specific purpose or purposes, any excess funds will be
1964 considered common surplus, and may, at the discretion of the
1965 board, either be returned to the unit owners or applied as a
1966 credit toward future assessments.

1967 Section 12. Paragraph (a) of subsection (4) of section
1968 718.121, Florida Statutes, is amended to read:

1969 718.121 Liens.—

1970 (4) (a) If an association sends out an invoice for
1971 assessments or a unit's statement of the account described in s.
1972 718.111(12)(a)11.c. ~~s. 718.111(12)(a)11.b.~~, the invoice for
1973 assessments or the unit's statement of account must be delivered
1974 to the unit owner by first-class United States mail or by
1975 electronic transmission to the unit owner's e-mail address

1976 | maintained in the association's official records.

1977 | Section 13. Section 718.1224, Florida Statutes, is amended
1978 | to read:

1979 | 718.1224 Prohibition against SLAPP suits; other prohibited
1980 | actions.-

1981 | (1) It is the intent of the Legislature to protect the
1982 | right of condominium unit owners to exercise their rights to
1983 | instruct their representatives and petition for redress of
1984 | grievances before their condominium association and the various
1985 | governmental entities of this state as protected by the First
1986 | Amendment to the United States Constitution and s. 5, Art. I of
1987 | the State Constitution. The Legislature recognizes that
1988 | strategic lawsuits against public participation, or "SLAPP
1989 | suits," as they are typically referred to, have occurred when
1990 | association members are sued by condominium associations,
1991 | individuals, business entities, or governmental entities arising
1992 | out of a condominium unit owner's appearance and presentation
1993 | before the board of the condominium association or a
1994 | governmental entity on matters related to the condominium
1995 | association. However, it is the public policy of this state that
1996 | condominium associations, governmental entities, business
1997 | organizations, and individuals not engage in SLAPP suits,
1998 | because such actions are inconsistent with the right of
1999 | condominium unit owners to participate in their condominium
2000 | association and in the state's institutions of government.

2001 Therefore, the Legislature finds and declares that prohibiting
 2002 such lawsuits by condominium associations, governmental
 2003 entities, business entities, and individuals against condominium
 2004 unit owners who address matters concerning their condominium
 2005 association will preserve this fundamental state policy,
 2006 preserve the constitutional rights of condominium unit owners,
 2007 ~~and~~ ensure the continuation of representative government in this
 2008 state, and ensure unit owner participation in condominium
 2009 associations. It is the intent of the Legislature that such
 2010 lawsuits be expeditiously disposed of by the courts. As used in
 2011 this subsection, the term "governmental entity" means the state,
 2012 including the executive, legislative, and judicial branches of
 2013 government; law enforcement agencies; the independent
 2014 establishments of the state, counties, municipalities,
 2015 districts, authorities, boards, or commissions; or any agencies
 2016 of these branches that are subject to chapter 286.

2017 (2) A condominium association, governmental entity,
 2018 business organization, or individual in this state may not file
 2019 or cause to be filed through its employees or agents any
 2020 lawsuit, cause of action, claim, cross-claim, or counterclaim
 2021 against a condominium unit owner without merit and solely
 2022 because such condominium unit owner has exercised the right to
 2023 instruct his or her representatives or the right to petition for
 2024 redress of grievances before the condominium association or the
 2025 various governmental entities of this state, as protected by the

2026 First Amendment to the United States Constitution and s. 5, Art.
 2027 I of the State Constitution.

2028 (3) It is unlawful for a condominium association to fine,
 2029 discriminatorily increase a unit owner's assessments,
 2030 discriminatorily decrease services to a unit owner, or bring or
 2031 threaten to bring an action for possession or other civil
 2032 action, including a defamation, libel, slander, or tortious
 2033 interference action, based on conduct described in this
 2034 subsection. In order for the unit owner to raise the defense of
 2035 retaliatory conduct, the unit owner must have acted in good
 2036 faith and not for any improper purposes, such as to harass or to
 2037 cause unnecessary delay or for frivolous purpose or needless
 2038 increase in the cost of litigation. Examples of conduct for
 2039 which a condominium association, an officer, a director, or an
 2040 agent of an association may not retaliate include, but are not
 2041 limited to, situations in which:

2042 (a) The unit owner has in good faith complained to a
 2043 governmental agency charged with responsibility for enforcement
 2044 of a building, housing, or health code of a suspected violation
 2045 applicable to the condominium;

2046 (b) The unit owner has organized, encouraged, or
 2047 participated in a unit owners' organization;

2048 (c) The unit owner submitted information or filed a
 2049 complaint alleging criminal violations or violations of this
 2050 chapter or the rules of the division with the division, the

2051 Office of the Condominium Ombudsman, a law enforcement agency, a
 2052 state attorney, the Attorney General, or any other governmental
 2053 agency;

2054 (d) The unit owner has exercised his or her rights under
 2055 this chapter;

2056 (e) The unit owner has complained to the association or
 2057 any of the association's representatives for the failure to
 2058 comply with this chapter or chapter 617; or

2059 (f) The unit owner has made public statements critical of
 2060 the operation or management of the association.

2061 (4) Evidence of retaliatory conduct may be raised by the
 2062 unit owner as a defense in any action brought against him or her
 2063 for possession.

2064 (5)~~(3)~~ A condominium unit owner sued by a condominium
 2065 association, governmental entity, business organization, or
 2066 individual in violation of this section has a right to an
 2067 expeditious resolution of a claim that the suit is in violation
 2068 of this section. A condominium unit owner may petition the court
 2069 for an order dismissing the action or granting final judgment in
 2070 favor of that condominium unit owner. The petitioner may file a
 2071 motion for summary judgment, together with supplemental
 2072 affidavits, seeking a determination that the condominium
 2073 association's, governmental entity's, business organization's,
 2074 or individual's lawsuit has been brought in violation of this
 2075 section. The condominium association, governmental entity,

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2076 business organization, or individual shall thereafter file its
2077 response and any supplemental affidavits. As soon as
2078 practicable, the court shall set a hearing on the petitioner's
2079 motion, which shall be held at the earliest possible time after
2080 the filing of the condominium association's, governmental
2081 entity's, business organization's, or individual's response. The
2082 court may award the condominium unit owner sued by the
2083 condominium association, governmental entity, business
2084 organization, or individual actual damages arising from the
2085 condominium association's, governmental entity's, individual's,
2086 or business organization's violation of this section. A court
2087 may treble the damages awarded to a prevailing condominium unit
2088 owner and shall state the basis for the treble damages award in
2089 its judgment. The court shall award the prevailing party
2090 reasonable attorney's fees and costs incurred in connection with
2091 a claim that an action was filed in violation of this section.

2092 ~~(6)(4)~~ Condominium associations may not expend association
2093 funds in prosecuting a SLAPP suit against a condominium unit
2094 owner.

2095 (7) Condominium associations may not expend association
2096 funds in support of a defamation, libel, slander, or tortious
2097 interference action against a unit owner or any other claim
2098 against a unit owner based on conduct described in subsection
2099 (3).

2100 Section 14. Paragraph (p) of subsection (4) of section

2101 718.301, Florida Statutes, is amended to read:

2102 718.301 Transfer of association control; claims of defect
2103 by association.—

2104 (4) At the time that unit owners other than the developer
2105 elect a majority of the members of the board of administration
2106 of an association, the developer shall relinquish control of the
2107 association, and the unit owners shall accept control.

2108 Simultaneously, or for the purposes of paragraph (c) not more
2109 than 90 days thereafter, the developer shall deliver to the
2110 association, at the developer's expense, all property of the
2111 unit owners and of the association which is held or controlled
2112 by the developer, including, but not limited to, the following
2113 items, if applicable, as to each condominium operated by the
2114 association:

2115 (p) Notwithstanding when the certificate of occupancy was
2116 issued or the height of the building, a turnover inspection
2117 report included in the official records, under seal of an
2118 architect or engineer authorized to practice in this state or a
2119 person certified as a reserve specialist or professional reserve
2120 analyst by the Community Associations Institute or the
2121 Association of Professional Reserve Analysts, and consisting of
2122 a structural integrity reserve study attesting to required
2123 maintenance, condition, useful life, and replacement costs of
2124 the following applicable condominium property:

2125 1. Roof.

2126 2. Structure, including load-bearing walls and primary
 2127 structural members and primary structural systems as those terms
 2128 are defined in s. 627.706.

2129 3. Fireproofing and fire protection systems.

2130 4. Plumbing.

2131 5. Electrical systems.

2132 6. Waterproofing and exterior painting.

2133 7. Windows and exterior doors.

2134 Section 15. Subsections (4) and (5) of section 718.3027,
 2135 Florida Statutes, are amended to read:

2136 718.3027 Conflicts of interest.—

2137 (4) A director or an officer, or a relative of a director
 2138 or an officer, who is a party to, or has an interest in, an
 2139 activity that is a possible conflict of interest, as described
 2140 in subsection (1), may attend the meeting at which the activity
 2141 is considered by the board and is authorized to make a
 2142 presentation to the board regarding the activity. After the
 2143 presentation, the director or officer, and any ~~or the~~ relative
 2144 of the director or officer, must leave the meeting during the
 2145 discussion of, and the vote on, the activity. A director or an
 2146 officer who is a party to, or has an interest in, the activity
 2147 must recuse himself or herself from the vote. The attendance of
 2148 a director or an officer with a possible conflict of interest at
 2149 the meeting of the board is sufficient to constitute a quorum
 2150 for the meeting and the vote in his or her absence on the

2151 proposed activity.

2152 (5) A contract entered into between a director or an
 2153 officer, or a relative of a director or an officer, and the
 2154 association, which is not a timeshare condominium association,
 2155 that has not been properly disclosed as a conflict of interest
 2156 or potential conflict of interest as required by this section or
 2157 s. 617.0832 ~~s. 718.111(12)(g)~~ is voidable and terminates upon
 2158 the filing of a written notice terminating the contract with the
 2159 board of directors which contains the consent of at least 20
 2160 percent of the voting interests of the association.

2161 Section 16. Subsection (5) of section 718.303, Florida
 2162 Statutes, is amended to read:

2163 718.303 Obligations of owners and occupants; remedies.—

2164 (5) An association may suspend the voting rights of a unit
 2165 owner or member due to nonpayment of any fee, fine, or other
 2166 monetary obligation due to the association which is more than
 2167 \$1,000 and more than 90 days delinquent. Proof of such
 2168 obligation must be provided to the unit owner or member 30 days
 2169 before such suspension takes effect. Notice of such obligation
 2170 must also be provided to the unit owner at least 90 days before
 2171 an election or a vote of the members. A voting interest or
 2172 consent right allocated to a unit owner or member which has been
 2173 suspended by the association shall be subtracted from the total
 2174 number of voting interests in the association, which shall be
 2175 reduced by the number of suspended voting interests when

2176 calculating the total percentage or number of all voting
 2177 interests available to take or approve any action, and the
 2178 suspended voting interests shall not be considered for any
 2179 purpose, including, but not limited to, the percentage or number
 2180 of voting interests necessary to constitute a quorum, the
 2181 percentage or number of voting interests required to conduct an
 2182 election, or the percentage or number of voting interests
 2183 required to approve an action under this chapter or pursuant to
 2184 the declaration, articles of incorporation, or bylaws. The
 2185 suspension ends upon full payment of all obligations currently
 2186 due or overdue the association. The notice and hearing
 2187 requirements under subsection (3) do not apply to a suspension
 2188 imposed under this subsection.

2189 Section 17. Subsections (1) and (2) of section 718.501,
 2190 Florida Statutes, are amended to read:

2191 718.501 Authority, responsibility, and duties of Division
 2192 of Florida Condominiums, Timeshares, and Mobile Homes.—

2193 (1) The division may enforce and ensure compliance with
 2194 this chapter and rules relating to the development,
 2195 construction, sale, lease, ownership, operation, and management
 2196 of residential condominium units and complaints related to the
 2197 procedural completion of milestone inspections under s. 553.899.
 2198 In performing its duties, the division has complete jurisdiction
 2199 to investigate complaints and enforce compliance with respect to
 2200 associations that are still under developer control or the

2201 control of a bulk assignee or bulk buyer pursuant to part VII of
 2202 this chapter and complaints against developers, bulk assignees,
 2203 or bulk buyers involving improper turnover or failure to
 2204 turnover, pursuant to s. 718.301. ~~However, after turnover has~~
 2205 ~~occurred, the division has jurisdiction to investigate~~
 2206 ~~complaints related only to financial issues, elections, and the~~
 2207 ~~maintenance of and unit owner access to association records~~
 2208 ~~under s. 718.111(12), and the procedural completion of~~
 2209 ~~structural integrity reserve studies under s. 718.112(2)(g).~~

2210 (a)1. The division may make necessary public or private
 2211 investigations within or outside this state to determine whether
 2212 any person has violated this chapter or any rule or order
 2213 hereunder, to aid in the enforcement of this chapter, or to aid
 2214 in the adoption of rules or forms.

2215 2. The division may submit any official written report,
 2216 worksheet, or other related paper, or a duly certified copy
 2217 thereof, compiled, prepared, drafted, or otherwise made by and
 2218 duly authenticated by a financial examiner or analyst to be
 2219 admitted as competent evidence in any hearing in which the
 2220 financial examiner or analyst is available for cross-examination
 2221 and attests under oath that such documents were prepared as a
 2222 result of an examination or inspection conducted pursuant to
 2223 this chapter.

2224 (b) The division may require or permit any person to file
 2225 a statement in writing, under oath or otherwise, as the division

2226 | determines, as to the facts and circumstances concerning a
 2227 | matter to be investigated.

2228 | (c) For the purpose of any investigation under this
 2229 | chapter, the division director or any officer or employee
 2230 | designated by the division director may administer oaths or
 2231 | affirmations, subpoena witnesses and compel their attendance,
 2232 | take evidence, and require the production of any matter which is
 2233 | relevant to the investigation, including the existence,
 2234 | description, nature, custody, condition, and location of any
 2235 | books, documents, or other tangible things and the identity and
 2236 | location of persons having knowledge of relevant facts or any
 2237 | other matter reasonably calculated to lead to the discovery of
 2238 | material evidence. Upon the failure by a person to obey a
 2239 | subpoena or to answer questions propounded by the investigating
 2240 | officer and upon reasonable notice to all affected persons, the
 2241 | division may apply to the circuit court for an order compelling
 2242 | compliance.

2243 | (d) Notwithstanding any remedies available to unit owners
 2244 | and associations, if the division has reasonable cause to
 2245 | believe that a violation of any provision of this chapter or
 2246 | related rule has occurred, the division may institute
 2247 | enforcement proceedings in its own name against any developer,
 2248 | bulk assignee, bulk buyer, association, officer, or member of
 2249 | the board of administration, or its assignees or agents, as
 2250 | follows:

2251 1. The division may permit a person whose conduct or
2252 actions may be under investigation to waive formal proceedings
2253 and enter into a consent proceeding whereby orders, rules, or
2254 letters of censure or warning, whether formal or informal, may
2255 be entered against the person.

2256 2. The division may issue an order requiring the
2257 developer, bulk assignee, bulk buyer, association, developer-
2258 designated officer, or developer-designated member of the board
2259 of administration, developer-designated assignees or agents,
2260 bulk assignee-designated assignees or agents, bulk buyer-
2261 designated assignees or agents, community association manager,
2262 or community association management firm to cease and desist
2263 from the unlawful practice and take such affirmative action as
2264 in the judgment of the division carry out the purposes of this
2265 chapter. If the division finds that a developer, bulk assignee,
2266 bulk buyer, association, officer, or member of the board of
2267 administration, or its assignees or agents, is violating or is
2268 about to violate any provision of this chapter, any rule adopted
2269 or order issued by the division, or any written agreement
2270 entered into with the division, and presents an immediate danger
2271 to the public requiring an immediate final order, it may issue
2272 an emergency cease and desist order reciting with particularity
2273 the facts underlying such findings. The emergency cease and
2274 desist order is effective for 90 days. If the division begins
2275 nonemergency cease and desist proceedings, the emergency cease

2276 and desist order remains effective until the conclusion of the
 2277 proceedings under ss. 120.569 and 120.57.

2278 3. If a developer, bulk assignee, or bulk buyer fails to
 2279 pay any restitution determined by the division to be owed, plus
 2280 any accrued interest at the highest rate permitted by law,
 2281 within 30 days after expiration of any appellate time period of
 2282 a final order requiring payment of restitution or the conclusion
 2283 of any appeal thereof, whichever is later, the division must
 2284 bring an action in circuit or county court on behalf of any
 2285 association, class of unit owners, lessees, or purchasers for
 2286 restitution, declaratory relief, injunctive relief, or any other
 2287 available remedy. The division may also temporarily revoke its
 2288 acceptance of the filing for the developer to which the
 2289 restitution relates until payment of restitution is made.

2290 4. The division may petition the court for appointment of
 2291 a receiver or conservator. If appointed, the receiver or
 2292 conservator may take action to implement the court order to
 2293 ensure the performance of the order and to remedy any breach
 2294 thereof. In addition to all other means provided by law for the
 2295 enforcement of an injunction or temporary restraining order, the
 2296 circuit court may impound or sequester the property of a party
 2297 defendant, including books, papers, documents, and related
 2298 records, and allow the examination and use of the property by
 2299 the division and a court-appointed receiver or conservator.

2300 5. The division may apply to the circuit court for an

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2301 order of restitution whereby the defendant in an action brought
2302 under subparagraph 4. is ordered to make restitution of those
2303 sums shown by the division to have been obtained by the
2304 defendant in violation of this chapter. At the option of the
2305 court, such restitution is payable to the conservator or
2306 receiver appointed under subparagraph 4. or directly to the
2307 persons whose funds or assets were obtained in violation of this
2308 chapter.

2309 6. The division may impose a civil penalty against a
2310 developer, bulk assignee, or bulk buyer, or association, or its
2311 assignee or agent, for any violation of this chapter or related
2312 rule. The division may impose a civil penalty individually
2313 against an officer or board member who willfully and knowingly
2314 violates this chapter, an adopted rule, or a final order of the
2315 division; may order the removal of such individual as an officer
2316 or from the board of administration or as an officer of the
2317 association; and may prohibit such individual from serving as an
2318 officer or on the board of a community association for a period
2319 of time. The term "willfully and knowingly" means that the
2320 division informed the officer or board member that his or her
2321 action or intended action violates this chapter, a rule adopted
2322 under this chapter, or a final order of the division and that
2323 the officer or board member refused to comply with the
2324 requirements of this chapter, a rule adopted under this chapter,
2325 or a final order of the division. The division, before

2326 initiating formal agency action under chapter 120, must afford
2327 the officer or board member an opportunity to voluntarily
2328 comply, and an officer or board member who complies within 10
2329 days is not subject to a civil penalty. A penalty may be imposed
2330 on the basis of each day of continuing violation, but the
2331 penalty for any offense may not exceed \$5,000. The division
2332 shall adopt, by rule, penalty guidelines applicable to possible
2333 violations or to categories of violations of this chapter or
2334 rules adopted by the division. The guidelines must specify a
2335 meaningful range of civil penalties for each such violation of
2336 the statute and rules and must be based upon the harm caused by
2337 the violation, upon the repetition of the violation, and upon
2338 such other factors deemed relevant by the division. For example,
2339 the division may consider whether the violations were committed
2340 by a developer, bulk assignee, or bulk buyer, or owner-
2341 controlled association, the size of the association, and other
2342 factors. The guidelines must designate the possible mitigating
2343 or aggravating circumstances that justify a departure from the
2344 range of penalties provided by the rules. It is the legislative
2345 intent that minor violations be distinguished from those which
2346 endanger the health, safety, or welfare of the condominium
2347 residents or other persons and that such guidelines provide
2348 reasonable and meaningful notice to the public of likely
2349 penalties that may be imposed for proscribed conduct. This
2350 subsection does not limit the ability of the division to

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2351 | informally dispose of administrative actions or complaints by
2352 | stipulation, agreed settlement, or consent order. All amounts
2353 | collected shall be deposited with the Chief Financial Officer to
2354 | the credit of the Division of Florida Condominiums, Timeshares,
2355 | and Mobile Homes Trust Fund. If a developer, bulk assignee, or
2356 | bulk buyer fails to pay the civil penalty and the amount deemed
2357 | to be owed to the association, the division shall issue an order
2358 | directing that such developer, bulk assignee, or bulk buyer
2359 | cease and desist from further operation until such time as the
2360 | civil penalty is paid or may pursue enforcement of the penalty
2361 | in a court of competent jurisdiction. If an association fails to
2362 | pay the civil penalty, the division shall pursue enforcement in
2363 | a court of competent jurisdiction, and the order imposing the
2364 | civil penalty or the cease and desist order is not effective
2365 | until 20 days after the date of such order. Any action commenced
2366 | by the division shall be brought in the county in which the
2367 | division has its executive offices or in the county in which
2368 | ~~where~~ the violation occurred.

2369 | 7. If a unit owner presents the division with proof that
2370 | the unit owner has requested access to official records in
2371 | writing by certified mail, and that after 10 days the unit owner
2372 | again made the same request for access to official records in
2373 | writing by certified mail, and that more than 10 days has
2374 | elapsed since the second request and the association has still
2375 | failed or refused to provide access to official records as

2376 required by this chapter, the division shall issue a subpoena
 2377 requiring production of the requested records at the location in
 2378 which ~~where~~ the records are kept pursuant to s. 718.112. Upon
 2379 receipt of the records, the division must provide to the unit
 2380 owner who was denied access to such records the produced
 2381 official records without charge.

2382 8. In addition to subparagraph 6., the division may seek
 2383 the imposition of a civil penalty through the circuit court for
 2384 any violation for which the division may issue a notice to show
 2385 cause under paragraph (r). The civil penalty shall be at least
 2386 \$500 but no more than \$5,000 for each violation. The court may
 2387 also award to the prevailing party court costs and reasonable
 2388 attorney fees and, if the division prevails, may also award
 2389 reasonable costs of investigation.

2390 (e) The division may prepare and disseminate a prospectus
 2391 and other information to assist prospective owners, purchasers,
 2392 lessees, and developers of residential condominiums in assessing
 2393 the rights, privileges, and duties pertaining thereto.

2394 (f) The division may adopt rules to administer and enforce
 2395 this chapter.

2396 (g) The division shall establish procedures for providing
 2397 notice to an association and the developer, bulk assignee, or
 2398 bulk buyer during the period in which the developer, bulk
 2399 assignee, or bulk buyer controls the association if the division
 2400 is considering the issuance of a declaratory statement with

2401 respect to the declaration of condominium or any related
2402 document governing such condominium community.

2403 (h) The division shall furnish each association that pays
2404 the fees required by paragraph (2)(a) a copy of this chapter, as
2405 amended, and the rules adopted thereto on an annual basis.

2406 (i) The division shall annually provide each association
2407 with a summary of declaratory statements and formal legal
2408 opinions relating to the operations of condominiums which were
2409 rendered by the division during the previous year.

2410 (j) The division shall provide training and educational
2411 programs for condominium association board members and unit
2412 owners. The training may, in the division's discretion, include
2413 web-based electronic media and live training and seminars in
2414 various locations throughout the state. The division may review
2415 and approve education and training programs for board members
2416 and unit owners offered by providers and shall maintain a
2417 current list of approved programs and providers and make such
2418 list available to board members and unit owners in a reasonable
2419 and cost-effective manner. The division shall provide to
2420 directors of the board of administration at no charge the
2421 educational curriculum required under s. 718.112(2)(d) and issue
2422 a certificate of satisfactory completion, including when the
2423 required educational curriculum is provided by a division-
2424 approved condominium education provider.

2425 (k) The division shall maintain a toll-free telephone

2426 number accessible to condominium unit owners.

2427 (l) The division shall develop a program to certify both
2428 volunteer and paid mediators to provide mediation of condominium
2429 disputes. The division shall provide, upon request, a list of
2430 such mediators to any association, unit owner, or other
2431 participant in alternative dispute resolution proceedings under
2432 s. 718.1255 requesting a copy of the list. The division shall
2433 include on the list of volunteer mediators only the names of
2434 persons who have received at least 20 hours of training in
2435 mediation techniques or who have mediated at least 20 disputes.
2436 In order to become initially certified by the division, paid
2437 mediators must be certified by the Supreme Court to mediate
2438 court cases in county or circuit courts. However, the division
2439 may adopt, by rule, additional factors for the certification of
2440 paid mediators, which must be related to experience, education,
2441 or background. Any person initially certified as a paid mediator
2442 by the division must, in order to continue to be certified,
2443 comply with the factors or requirements adopted by rule.

2444 (m) If a complaint is made, the division must conduct its
2445 inquiry with due regard for the interests of the affected
2446 parties. Within 30 days after receipt of a complaint, the
2447 division shall acknowledge the complaint in writing and notify
2448 the complainant whether the complaint is within the jurisdiction
2449 of the division and whether additional information is needed by
2450 the division from the complainant. The division shall conduct

2451 its investigation and, within 90 days after receipt of the
2452 original complaint or of timely requested additional
2453 information, take action upon the complaint. However, the
2454 failure to complete the investigation within 90 days does not
2455 prevent the division from continuing the investigation,
2456 accepting or considering evidence obtained or received after 90
2457 days, or taking administrative action if reasonable cause exists
2458 to believe that a violation of this chapter or a rule has
2459 occurred. If an investigation is not completed within the time
2460 limits established in this paragraph, the division shall, on a
2461 monthly basis, notify the complainant in writing of the status
2462 of the investigation. When reporting its action to the
2463 complainant, the division shall inform the complainant of any
2464 right to a hearing under ss. 120.569 and 120.57. The division
2465 may adopt rules regarding the submission of a complaint against
2466 an association.

2467 (n) Condominium association directors, officers, and
2468 employees; condominium developers; bulk assignees, bulk buyers,
2469 and community association managers; and community association
2470 management firms have an ongoing duty to reasonably cooperate
2471 with the division in any investigation under this section. The
2472 division shall refer to local law enforcement authorities any
2473 person whom the division believes has altered, destroyed,
2474 concealed, or removed any record, document, or thing required to
2475 be kept or maintained by this chapter with the purpose to impair

2476 | its verity or availability in the department's investigation.
 2477 | The division shall refer to local law enforcement authorities
 2478 | any person whom the division believes has engaged in fraud,
 2479 | theft, embezzlement, or other criminal activity or when the
 2480 | division has cause to believe that fraud, theft, embezzlement,
 2481 | or other criminal activity has occurred.

2482 | (o) The division director or any officer or employee of
 2483 | the division and the condominium ombudsman or any employee of
 2484 | the Office of the Condominium Ombudsman may attend and observe
 2485 | any meeting of the board of administration or unit owner
 2486 | meeting, including any meeting of a subcommittee or special
 2487 | committee, which is open to members of the association for the
 2488 | purpose of performing the duties of the division or the Office
 2489 | of the Condominium Ombudsman under this chapter.

2490 | (p)~~(o)~~ The division may:

- 2491 | 1. Contract with agencies in this state or other
 2492 | jurisdictions to perform investigative functions; or
 2493 | 2. Accept grants-in-aid from any source.

2494 | (q)~~(p)~~ The division shall cooperate with similar agencies
 2495 | in other jurisdictions to establish uniform filing procedures
 2496 | and forms, public offering statements, advertising standards,
 2497 | and rules and common administrative practices.

2498 | (r)~~(q)~~ The division shall consider notice to a developer,
 2499 | bulk assignee, or bulk buyer to be complete when it is delivered
 2500 | to the address of the developer, bulk assignee, or bulk buyer

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2501 currently on file with the division.

2502 (s)~~(r)~~ In addition to its enforcement authority, the
2503 division may issue a notice to show cause, which must provide
2504 for a hearing, upon written request, in accordance with chapter
2505 120.

2506 (t) The division shall routinely conduct random audits of
2507 condominium associations to determine compliance with the
2508 website or application requirements for official records under
2509 s. 718.111(12)(g).

2510 (u)~~(s)~~ The division shall submit to the Governor, the
2511 President of the Senate, the Speaker of the House of
2512 Representatives, and the chairs of the legislative
2513 appropriations committees an annual report that includes, but
2514 need not be limited to, the number of training programs provided
2515 for condominium association board members and unit owners, the
2516 number of complaints received by type, the number and percent of
2517 complaints acknowledged in writing within 30 days and the number
2518 and percent of investigations acted upon within 90 days in
2519 accordance with paragraph (m), and the number of investigations
2520 exceeding the 90-day requirement. The annual report must also
2521 include an evaluation of the division's core business processes
2522 and make recommendations for improvements, including statutory
2523 changes. The report shall be submitted by September 30 following
2524 the end of the fiscal year.

2525 (2)(a) Each condominium association that ~~which~~ operates

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2526 more than two units shall pay to the division an annual fee in
2527 the amount of \$4 for each residential unit in condominiums
2528 operated by the association. The annual fee shall be filed
2529 together with the annual certification described in paragraph
2530 (c). If the fee is not paid by March 1, the association shall be
2531 assessed a penalty of 10 percent of the amount due, and the
2532 association will not have standing to maintain or defend any
2533 action in the courts of this state until the amount due, plus
2534 any penalty, is paid.

2535 (b) All fees shall be deposited in the Division of Florida
2536 Condominiums, Timeshares, and Mobile Homes Trust Fund as
2537 provided by law.

2538 (c) On the certification form provided by the division,
2539 the directors of the association shall certify that each
2540 director of the association has completed the written
2541 certification and educational certificate requirements in s.
2542 718.112(2)(d)4.b.

2543 Section 18. Subsection (1) of section 718.618, Florida
2544 Statutes, is amended to read:

2545 718.618 Converter reserve accounts; warranties.—

2546 (1) When existing improvements are converted to ownership
2547 as a residential condominium, the developer shall establish
2548 converter reserve accounts for capital expenditures and planned
2549 ~~deferred~~ maintenance, or give warranties as provided by
2550 subsection (6), or post a surety bond as provided by subsection

2551 (7). The developer shall fund the converter reserve accounts in
2552 amounts calculated as follows:

2553 (a)1. When the existing improvements include an air-
2554 conditioning system serving more than one unit or property which
2555 the association is responsible to repair, maintain, or replace,
2556 the developer shall fund an air-conditioning reserve account.
2557 The amount of the reserve account shall be the product of the
2558 estimated current replacement cost of the system, as disclosed
2559 and substantiated pursuant to s. 718.616(3)(b), multiplied by a
2560 fraction, the numerator of which shall be the lesser of the age
2561 of the system in years or 9, and the denominator of which shall
2562 be 10. When such air-conditioning system is within 1,000 yards
2563 of the seacoast, the numerator shall be the lesser of the age of
2564 the system in years or 3, and the denominator shall be 4.

2565 2. The developer shall fund a plumbing reserve account.
2566 The amount of the funding shall be the product of the estimated
2567 current replacement cost of the plumbing component, as disclosed
2568 and substantiated pursuant to s. 718.616(3)(b), multiplied by a
2569 fraction, the numerator of which shall be the lesser of the age
2570 of the plumbing in years or 36, and the denominator of which
2571 shall be 40.

2572 3. The developer shall fund a roof reserve account. The
2573 amount of the funding shall be the product of the estimated
2574 current replacement cost of the roofing component, as disclosed
2575 and substantiated pursuant to s. 718.616(3)(b), multiplied by a

2576 fraction, the numerator of which shall be the lesser of the age
 2577 of the roof in years or the numerator listed in the following
 2578 table. The denominator of the fraction shall be determined based
 2579 on the roof type, as follows:

2580	Roof Type	Numerator	Denominator	
2581	a. Built-up roof without insulation	4	5	
2582	b. Built-up roof with insulation	4	5	
2583	c. Cement tile roof	45	50	
2584	d. Asphalt shingle roof	14	15	
2585	e. Copper roof			
2586	f. Wood shingle roof	9	10	
2587	g. All other types	18	20	

2588
 2589 (b) The age of any component or structure for which the
 2590 developer is required to fund a reserve account shall be
 2591 measured in years, rounded to the nearest whole year. The amount
 2592 of converter reserves to be funded by the developer for each

2593 structure or component shall be based on the age of the
2594 structure or component as disclosed in the inspection report.
2595 The architect or engineer shall determine the age of the
2596 component from the later of:

2597 1. The date when the component or structure was replaced
2598 or substantially renewed, if the replacement or renewal of the
2599 component at least met the requirements of the then-applicable
2600 building code; or

2601 2. The date when the installation or construction of the
2602 existing component or structure was completed.

2603 (c) When the age of a component or structure is to be
2604 measured from the date of replacement or renewal, the developer
2605 shall provide the division with a certificate, under the seal of
2606 an architect or engineer authorized to practice in this state,
2607 verifying:

2608 1. The date of the replacement or renewal; and

2609 2. That the replacement or renewal at least met the
2610 requirements of the then-applicable building code.

2611 (d) In addition to establishing the reserve accounts
2612 specified above, the developer shall establish those other
2613 reserve accounts required by s. 718.112(2)(f), and shall fund
2614 those accounts in accordance with the formula provided therein.
2615 The vote to waive or reduce the funding or reserves required by
2616 s. 718.112(2)(f) does not affect or negate the obligations
2617 arising under this section.

2618 Section 19. Paragraphs (j) and (k) of subsection (1) of
 2619 section 719.106, Florida Statutes, are amended to read:

2620 719.106 Bylaws; cooperative ownership.—

2621 (1) MANDATORY PROVISIONS.—The bylaws or other cooperative
 2622 documents shall provide for the following, and if they do not,
 2623 they shall be deemed to include the following:

2624 (j) *Annual budget*.—

2625 1. The proposed annual budget of common expenses must be
 2626 detailed and must show the amounts budgeted by accounts and
 2627 expense classifications, including, if applicable, but not
 2628 limited to, those expenses listed in s. 719.504(20). The board
 2629 of administration shall adopt the annual budget at least 14 days
 2630 before the start of the association's fiscal year. In the event
 2631 that the board fails to timely adopt the annual budget a second
 2632 time, it is deemed a minor violation and the prior year's budget
 2633 shall continue in effect until a new budget is adopted.

2634 2. In addition to annual operating expenses, the budget
 2635 must include reserve accounts for capital expenditures and
 2636 planned ~~deferred~~ maintenance. These accounts must include, but
 2637 not be limited to, roof replacement, building painting, and
 2638 pavement resurfacing, regardless of the amount of planned
 2639 ~~deferred~~ maintenance expense or replacement cost, and for any
 2640 other items for which the planned ~~deferred~~ maintenance expense
 2641 or replacement cost exceeds \$10,000. The amount to be reserved
 2642 must be computed by means of a formula which is based upon

2643 | estimated remaining useful life and estimated replacement cost
2644 | or planned ~~deferred~~ maintenance expense of the reserve item. In
2645 | a budget adopted by an association that is required to obtain a
2646 | structural integrity reserve study, reserves must be maintained
2647 | for the items identified in paragraph (k) for which the
2648 | association is responsible pursuant to the declaration, and the
2649 | reserve amount for such items must be based on the findings and
2650 | recommendations of the association's most recent structural
2651 | integrity reserve study. With respect to items for which an
2652 | estimate of useful life is not readily ascertainable or with an
2653 | estimated remaining useful life of greater than 25 years, an
2654 | association is not required to reserve replacement costs for
2655 | such items, but an association must reserve the amount of
2656 | planned ~~deferred~~ maintenance expense, if any, which is
2657 | recommended by the structural integrity reserve study for such
2658 | items. The association may adjust replacement reserve
2659 | assessments annually to take into account an inflation
2660 | adjustment and any changes in estimates or extension of the
2661 | useful life of a reserve item caused by planned ~~deferred~~
2662 | maintenance. The members of a unit-owner-controlled association
2663 | may determine, by a majority vote of the total voting interests
2664 | of the association, for a fiscal year to provide no reserves or
2665 | reserves less adequate than required by this subsection. Before
2666 | turnover of control of an association by a developer to unit
2667 | owners other than a developer under s. 719.301, the developer-

2668 controlled association may not vote to waive the reserves or
 2669 reduce funding of the reserves. For a budget adopted on or after
 2670 December 31, 2024, a unit-owner-controlled association that must
 2671 obtain a structural integrity reserve study may not determine to
 2672 provide no reserves or reserves less adequate than required by
 2673 this paragraph for items listed in paragraph (k). If a meeting
 2674 of the unit owners has been called to determine to provide no
 2675 reserves, or reserves less adequate than required, and such
 2676 result is not attained or a quorum is not attained, the reserves
 2677 as included in the budget shall go into effect.

2678 3. Reserve funds and any interest accruing thereon shall
 2679 remain in the reserve account or accounts, and shall be used
 2680 only for authorized reserve expenditures unless their use for
 2681 other purposes is approved in advance by a vote of the majority
 2682 of the total voting interests of the association. Before
 2683 turnover of control of an association by a developer to unit
 2684 owners other than the developer under s. 719.301, the developer
 2685 may not vote to use reserves for purposes other than that for
 2686 which they were intended. For a budget adopted on or after
 2687 December 31, 2024, members of a unit-owner-controlled
 2688 association that must obtain a structural integrity reserve
 2689 study may not vote to use reserve funds, or any interest
 2690 accruing thereon, for purposes other than the replacement or
 2691 planned ~~deferred~~ maintenance costs of the components listed in
 2692 paragraph (k).

2693 (k) *Structural integrity reserve study.*—
 2694 1. A residential cooperative association must have a
 2695 structural integrity reserve study completed at least every 10
 2696 years for each building on the cooperative property that is
 2697 three stories or higher in height, as determined by the Florida
 2698 Building Code, that includes, at a minimum, a study of the
 2699 following items as related to the structural integrity and
 2700 safety of the building:

- 2701 a. Roof.
- 2702 b. Structure, including load-bearing walls and other
 2703 primary structural members and primary structural systems as
 2704 those terms are defined in s. 627.706.
- 2705 c. Fireproofing and fire protection systems.
- 2706 d. Plumbing.
- 2707 e. Electrical systems.
- 2708 f. Waterproofing and exterior painting.
- 2709 g. Windows and exterior doors.
- 2710 h. Any other item that has a planned ~~deferred~~ maintenance
 2711 expense or replacement cost that exceeds \$10,000 and the failure
 2712 to replace or maintain such item negatively affects the items
 2713 listed in sub-subparagraphs a.-g., as determined by the visual
 2714 inspection portion of the structural integrity reserve study.

2715 2. A structural integrity reserve study is based on a
 2716 visual inspection of the cooperative property. A structural
 2717 integrity reserve study may be performed by any person qualified

2718 to perform such study. However, the visual inspection portion of
2719 the structural integrity reserve study must be performed or
2720 verified by an engineer licensed under chapter 471, an architect
2721 licensed under chapter 481, or a person certified as a reserve
2722 specialist or professional reserve analyst by the Community
2723 Associations Institute or the Association of Professional
2724 Reserve Analysts.

2725 3. At a minimum, a structural integrity reserve study must
2726 identify each item of the cooperative property being visually
2727 inspected, state the estimated remaining useful life and the
2728 estimated replacement cost or planned ~~deferred~~ maintenance
2729 expense of each item of the cooperative property being visually
2730 inspected, and provide a reserve funding schedule with a
2731 recommended annual reserve amount that achieves the estimated
2732 replacement cost or planned ~~deferred~~ maintenance expense of each
2733 item of cooperative property being visually inspected by the end
2734 of the estimated remaining useful life of the item. The
2735 structural integrity reserve study may recommend that reserves
2736 do not need to be maintained for any item for which an estimate
2737 of useful life and an estimate of replacement cost cannot be
2738 determined, or the study may recommend a planned ~~deferred~~
2739 maintenance expense amount for such item. The structural
2740 integrity reserve study may recommend that reserves for
2741 replacement costs do not need to be maintained for any item with
2742 an estimated remaining useful life of greater than 25 years, but

2743 the study may recommend a planned ~~deferred~~ maintenance expense
2744 amount for such item.

2745 4. This paragraph does not apply to buildings less than
2746 three stories in height; single-family, two-family, or three-
2747 family dwellings with three or fewer habitable stories above
2748 ground; any portion or component of a building that has not been
2749 submitted to the cooperative form of ownership; or any portion
2750 or component of a building that is maintained by a party other
2751 than the association.

2752 5. Before a developer turns over control of an association
2753 to unit owners other than the developer, the developer must have
2754 a turnover inspection report in compliance with s. 719.301(4) (p)
2755 and (q) for each building on the cooperative property that is
2756 three stories or higher in height.

2757 6. Associations existing on or before July 1, 2022, which
2758 are controlled by unit owners other than the developer, must
2759 have a structural integrity reserve study completed by December
2760 31, 2024, for each building on the cooperative property that is
2761 three stories or higher in height. An association that is
2762 required to complete a milestone inspection on or before
2763 December 31, 2026, in accordance with s. 553.899 may complete
2764 the structural integrity reserve study simultaneously with the
2765 milestone inspection. In no event may the structural integrity
2766 reserve study be completed after December 31, 2026.

2767 7. If the milestone inspection required by s. 553.899, or

2768 an inspection completed for a similar local requirement, was
2769 performed within the past 5 years and meets the requirements of
2770 this paragraph, such inspection may be used in place of the
2771 visual inspection portion of the structural integrity reserve
2772 study.

2773 8. If the officers or directors of an association
2774 willfully and knowingly fail to complete a structural integrity
2775 reserve study pursuant to this paragraph, such failure is a
2776 breach of an officer's and director's fiduciary relationship to
2777 the unit owners under s. 719.104(9).

2778 9. Within 45 days after receiving the structural integrity
2779 reserve study, the association must distribute a copy of the
2780 study to each unit owner or deliver to each unit owner a notice
2781 that the completed study is available for inspection and copying
2782 upon a written request. Distribution of a copy of the study or
2783 notice must be made by United States mail or personal delivery
2784 at the mailing address, property address, or any other address
2785 of the owner provided to fulfill the association's notice
2786 requirements under this chapter, or by electronic transmission
2787 to the e-mail address or facsimile number provided to fulfill
2788 the association's notice requirements to unit owners who
2789 previously consented to receive notice by electronic
2790 transmission.

2791 Section 20. Paragraph (p) of subsection (4) of section
2792 719.301, Florida Statutes, is amended to read:

2793 | 719.301 Transfer of association control.—

2794 | (4) When unit owners other than the developer elect a
2795 | majority of the members of the board of administration of an
2796 | association, the developer shall relinquish control of the
2797 | association, and the unit owners shall accept control.

2798 | Simultaneously, or for the purpose of paragraph (c) not more
2799 | than 90 days thereafter, the developer shall deliver to the
2800 | association, at the developer's expense, all property of the
2801 | unit owners and of the association held or controlled by the
2802 | developer, including, but not limited to, the following items,
2803 | if applicable, as to each cooperative operated by the
2804 | association:

2805 | (p) Notwithstanding when the certificate of occupancy was
2806 | issued or the height of the building, a turnover inspection
2807 | report included in the official records, under seal of an
2808 | architect or engineer authorized to practice in this state or a
2809 | person certified as a reserve specialist or professional reserve
2810 | analyst by the Community Associations Institute or the
2811 | Association of Professional Reserve Analysts, consisting of a
2812 | structural integrity reserve study attesting to required
2813 | maintenance, condition, useful life, and replacement costs of
2814 | the following applicable cooperative property:

- 2815 | 1. Roof.
- 2816 | 2. Structure, including load-bearing walls and primary
2817 | structural members and primary structural systems as those terms

2818 are defined in s. 627.706.

2819 3. Fireproofing and fire protection systems.

2820 4. Plumbing.

2821 5. Electrical systems.

2822 6. Waterproofing and exterior painting.

2823 7. Windows and exterior doors.

2824 Section 21. Subsection (1) of section 719.618, Florida
 2825 Statutes, is amended to read:

2826 719.618 Converter reserve accounts; warranties.—

2827 (1) When existing improvements are converted to ownership
 2828 as a residential cooperative, the developer shall establish
 2829 reserve accounts for capital expenditures and planned ~~deferred~~
 2830 maintenance, or give warranties as provided by subsection (6),
 2831 or post a surety bond as provided by subsection (7). The
 2832 developer shall fund the reserve accounts in amounts calculated
 2833 as follows:

2834 (a)1. When the existing improvements include an air-
 2835 conditioning system serving more than one unit or property which
 2836 the association is responsible to repair, maintain, or replace,
 2837 the developer shall fund an air-conditioning reserve account.
 2838 The amount of the reserve account shall be the product of the
 2839 estimated current replacement cost of the system, as disclosed
 2840 and substantiated pursuant to s. 719.616(3)(b), multiplied by a
 2841 fraction, the numerator of which shall be the lesser of the age
 2842 of the system in years or 9, and the denominator of which shall

2843 | be 10. When such air-conditioning system is within 1,000 yards
 2844 | of the seacoast, the numerator shall be the lesser of the age of
 2845 | the system in years or 3, and the denominator shall be 4.

2846 | 2. The developer shall fund a plumbing reserve account.
 2847 | The amount of the funding shall be the product of the estimated
 2848 | current replacement cost of the plumbing component, as disclosed
 2849 | and substantiated pursuant to s. 719.616(3) (b), multiplied by a
 2850 | fraction, the numerator of which shall be the lesser of the age
 2851 | of the plumbing in years or 36, and the denominator of which
 2852 | shall be 40.

2853 | 3. The developer shall fund a roof reserve account. The
 2854 | amount of the funding shall be the product of the estimated
 2855 | current replacement cost of the roofing component, as disclosed
 2856 | and substantiated pursuant to s. 719.616(3) (b), multiplied by a
 2857 | fraction, the numerator of which shall be the lesser of the age
 2858 | of the roof in years or the numerator listed in the following
 2859 | table. The denominator of the fraction shall be determined based
 2860 | on the roof type, as follows:

2861 |

	Roof Type	Numerator	Denominator	
2862	a.	Built-up roof without insulation	4	5
2863	b.	Built-up roof with insulation	4	5

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2865	c.	Cement tile roof	45	50
2866	d.	Asphalt shingle roof	14	15
2867	e.	Copper roof		
2868	f.	Wood shingle roof	9	10
2869	g.	All other types	18	20

2870 (b) The age of any component or structure for which the
 2871 developer is required to fund a reserve account shall be
 2872 measured in years from the later of:

2873 1. The date when the component or structure was replaced
 2874 or substantially renewed, if the replacement or renewal of the
 2875 component at least met the requirements of the then-applicable
 2876 building code; or

2877 2. The date when the installation or construction of the
 2878 existing component or structure was completed.

2879 (c) When the age of a component or structure is to be
 2880 measured from the date of replacement or renewal, the developer
 2881 shall provide the division with a certificate, under the seal of
 2882 an architect or engineer authorized to practice in this state,
 2883 verifying:

2884 1. The date of the replacement or renewal; and

2885 2. That the replacement or renewal at least met the
 2886 requirements of the then-applicable building code.

2887 Section 22. The Division of Florida Condominiums,
 2888 Timeshares, and Mobile Homes of the Department of Business and
 2889 Professional Regulation shall complete a review of the website
 2890 or application requirements for official records under s.
 2891 718.111(12)(g), Florida Statutes, and make recommendations
 2892 regarding any additional official records of a condominium
 2893 association that should be included in the record maintenance
 2894 requirement in the statute. The division shall submit to the
 2895 Governor, the President of the Senate, the Speaker of the House
 2896 of Representatives, and the chairs of the legislative
 2897 appropriations committees and appropriate substantive committees
 2898 with jurisdiction over chapter 718, Florida Statutes, the
 2899 findings of its review by February 1, 2025.

2900 Section 23. Except as otherwise expressly provided in this
 2901 act, this act shall take effect July 1, 2024.