

26 | circumstances; providing requirements for an
27 | association to approve any activity that is a conflict
28 | of interest; authorizing certain contracts to be
29 | canceled, subject to certain requirements; specifying
30 | liability and nonliability of the association upon
31 | cancellation of such a contract; authorizing an
32 | association to cancel a contract if certain conflicts
33 | were not disclosed; specifying liability and
34 | nonliability of the association upon cancellation of a
35 | contract; defining the term "relative"; reenacting and
36 | amending s. 468.436, F.S.; revising the list of
37 | grounds for which the Department of Business and
38 | Professional Regulation may take disciplinary actions
39 | against community association managers or community
40 | association firms; amending s. 718.103, F.S.; defining
41 | the term "hurricane protection"; amending s. 718.104,
42 | F.S.; requiring declarations to specify the entity
43 | responsible for the installation, maintenance, repair,
44 | or replacement of hurricane protection; amending s.
45 | 718.111, F.S.; providing criminal penalties for any
46 | officer, director, or manager of an association who
47 | unlawfully solicits, offers to accept, or accepts any
48 | thing or service of value or kickback; requiring such
49 | officers, directors, or managers to be removed from
50 | office and a vacancy declared; revising the list of

51 records that constitute the official records of an
52 association; revising maintenance requirements for
53 official records; revising requirements regarding
54 requests to inspect or copy association records;
55 requiring an association to provide a checklist in
56 response to certain records requests; providing a
57 rebuttable presumption and criminal penalties;
58 requiring certain persons to be removed from office
59 and a vacancy declared under certain circumstances;
60 defining the term "repeatedly"; requiring copies of
61 certain building permits be posted on an association's
62 website or application; modifying the method of
63 delivery of certain financial reports to unit owners;
64 revising circumstances under which an association may
65 prepare certain reports; revising criminal penalties
66 for persons who unlawfully use a debit card issued in
67 the name of an association; requiring certain persons
68 to be removed from office and a vacancy declared under
69 certain circumstances; defining the term "lawful
70 obligation of the association"; revising the threshold
71 for associations that must post certain documents on
72 its website or through an application; amending s.
73 718.112, F.S.; requiring the boards of certain
74 associations to meet at least once every quarter;
75 revising requirements regarding notice of such

76 meetings; requiring a director to complete an
77 educational requirement within a specified time period
78 before or after election or appointment to the board;
79 providing requirements for the educational curriculum;
80 providing transitional provisions; requiring a
81 director to complete a certain amount of continuing
82 education each year relating to changes in the law;
83 requiring the secretary of the association to maintain
84 certain information for inspection for a specified
85 number of years; authorizing members of an association
86 to pause the contribution to reserves or reduce
87 reserves under certain circumstances and for a limited
88 time; authorizing the board to expend reserve account
89 funds to make the condominium building and structures
90 habitable; requiring an association to distribute or
91 deliver copies of a structural integrity reserve study
92 to unit owners within a specified timeframe;
93 specifying the manner of distribution or delivery;
94 revising the circumstances under which a director or
95 an officer must be removed from office after being
96 charged by information or indictment of certain
97 crimes; prohibiting such officers and directors with
98 pending criminal charges from accessing the official
99 records of any association; providing an exception;
100 providing criminal penalties for certain fraudulent

101 voting activities relating to association elections;
102 amending s. 718.113, F.S.; providing applicability;
103 specifying that certain actions are not material
104 alterations or substantial additions; authorizing the
105 boards of residential and mixed-use condominiums to
106 install or require unit owners to install hurricane
107 protection; requiring a vote of the unit owners for
108 the installation of hurricane protection; requiring
109 that such vote be attested to in a certificate and
110 recorded in certain public records; requiring the
111 board to provide, in various manners, to the unit
112 owners a copy of the recorded certificate; providing
113 that the validity or enforceability of a vote is not
114 affected if the board fails to take certain actions;
115 providing that a vote of the unit owners is not
116 required under certain circumstances; prohibiting
117 installation of the same type of hurricane protection
118 previously installed; providing exceptions;
119 prohibiting the boards of residential and mixed-use
120 condominiums from refusing to approve certain
121 hurricane protections; authorizing the board to
122 require owners to adhere to certain guidelines
123 regarding the external appearance of a condominium;
124 revising responsibility for the cost of the removal or
125 reinstallation of hurricane protection, including

126 exterior windows, doors, or apertures; prohibiting the
127 association from charging certain expenses to unit
128 owners; requiring reimbursement or a credit toward
129 future assessments to the unit owner in certain
130 circumstances; authorizing the association to collect
131 certain charges and specifying that such charges are
132 enforceable as assessments under certain
133 circumstances; amending s. 718.115, F.S.; specifying
134 when the cost of installation of hurricane protection
135 is not a common expense; authorizing certain expenses
136 to be enforceable as assessments; requiring certain
137 unit owners to be excused from certain assessments or
138 to receive a credit for hurricane protection that has
139 been installed; providing credit applicability under
140 certain circumstances; providing for the amount of
141 credit that a unit owner must receive; specifying that
142 certain expenses are common expenses; amending s.
143 718.121, F.S.; conforming a cross-reference; amending
144 s. 718.1224, F.S.; revising legislative findings and
145 intent; revising the definition of the term
146 "governmental entity"; prohibiting an association from
147 filing strategic lawsuits, taking certain actions
148 against unit owners, and expending funds to support
149 certain actions; amending s. 718.301, F.S.; requiring
150 developers to deliver a structural integrity reserve

151 report to an association upon relinquishing control of
152 the association; amending s. 718.3027, F.S.; revising
153 requirements regarding attendance at a board meeting
154 in the event of a conflict of interest; modifying
155 circumstances under which a contract may be voided;
156 amending s. 718.303, F.S.; requiring an association to
157 provide certain notice to a unit owner by a specified
158 time before an election; amending s. 718.501, F.S.;
159 revising circumstances under which the Division of
160 Florida Condominiums, Timeshares, and Mobile Homes has
161 jurisdiction to investigate and enforce certain
162 matters; requiring that the division provide official
163 records, without charge, to a unit owner denied
164 access; requiring the division to provide an
165 educational curriculum free of charge and issue a
166 certificate to directors of a board of administration;
167 requiring that the division refer suspected criminal
168 acts to the appropriate law enforcement authority;
169 authorizing certain division officials to attend
170 association meetings; requiring that the division
171 conduct random audits of associations for specified
172 purposes; requiring an association's annual fee be
173 filed concurrently with the annual certification;
174 specifying requirements for the annual certification;
175 amending s. 718.5011, F.S.; providing that the

176 secretary of the Department of Business and
 177 Professional Regulation, rather than the Governor,
 178 appoints the condominium ombudsman; amending s.
 179 719.106, F.S.; requiring an association to distribute
 180 or deliver copies of a structural integrity reserve
 181 study to unit owners within a specified timeframe;
 182 specifying the manner of distribution or delivery;
 183 amending s. 719.301, F.S.; requiring developers to
 184 deliver a structural integrity reserve study to a
 185 cooperative association upon relinquishing control of
 186 association property; requiring the division to
 187 conduct a review of statutory requirements regarding
 188 posting of official records on a condominium
 189 association's website or application; requiring the
 190 division to submit its findings, including any
 191 recommendations, to the Governor and the Legislature
 192 by a specified date; providing effective dates.

193
 194 Be It Enacted by the Legislature of the State of Florida:

195
 196 Section 1. Subsection (3) is added to section 468.4334,
 197 Florida Statutes, to read:

198 468.4334 Professional practice standards; liability.—

199 (3) A community association manager or a community
 200 association management firm shall return all community

201 association official records within its possession to the
202 community association within 20 business days after termination
203 of a contractual agreement to provide community association
204 management services to the community association or receipt of a
205 written request for return of the official records, whichever
206 occurs first. A notice of termination of a contractual agreement
207 to provide community association management services must be
208 sent by certified mail, return receipt requested, or in the
209 manner required under such contractual agreement. The community
210 association manager or community association management firm may
211 retain, for up to 20 business days, those records necessary to
212 complete an ending financial statement or report. If an
213 association fails to provide access to or retention of the
214 accounting records to prepare an ending financial statement or
215 report, the community association manager or community
216 association management firm is relieved from any further
217 responsibility or liability relating to the preparation of such
218 ending financial statement or report. Failure of a community
219 association manager or a community association management firm
220 to timely return all of the official records within its
221 possession to the community association creates a rebuttable
222 presumption that the community association manager or community
223 association management firm willfully failed to comply with this
224 subsection. A community association manager or a community
225 association management firm that fails to timely return

226 community association records is subject to suspension of its
227 license under s. 468.436, and a civil penalty of \$1,000 per day
228 for up to 10 business days, assessed beginning on the 21st
229 business day after termination of a contractual agreement to
230 provide community association management services to the
231 community association or receipt of a written request from the
232 association for return of the records, whichever occurs first.

233 Section 2. Section 468.4335, Florida Statutes, is created
234 to read:

235 468.4335 Conflicts of interest.-

236 (1) A community association manager or a community
237 association management firm, including directors, officers, and
238 persons with a financial interest in a community association
239 management firm, or a relative of such persons, must disclose to
240 the board of a community association any activity that may
241 reasonably be construed to be a conflict of interest. A
242 rebuttable presumption of a conflict of interest exists if any
243 of the following occurs without prior notice:

244 (a) A community association manager or a community
245 association management firm, including directors, officers, and
246 persons with a financial interest in a community association
247 management firm, or a relative of such persons, enters into a
248 contract for goods or services with the association.

249 (b) A community association manager or a community
250 association management firm, including directors, officers, and

251 persons with a financial interest in a community association
 252 management firm, or a relative of such persons, holds an
 253 interest in or receives compensation or any thing of value from
 254 a corporation, limited liability corporation, partnership,
 255 limited liability partnership, or other business entity that
 256 conducts business with the association or proposes to enter into
 257 a contract or other transaction with the association.

258 (2) If the association receives and considers a bid to
 259 provide a good or service, other than community association
 260 management services, from a community association manager or a
 261 community association management firm, including directors,
 262 officers, and persons with a financial interest in a community
 263 association management firm, or a relative of such persons, the
 264 association must also solicit and consider at least three bids
 265 from other third-party providers of such good or service.

266 (3) If a community association manager or a community
 267 association management firm, including directors, officers, and
 268 persons with a financial interest in a community association
 269 management firm, or a relative of such persons, proposes to
 270 engage in an activity that is a conflict of interest as
 271 described in subsection (1), the proposed activity must be
 272 listed on, and all contracts and transactional documents related
 273 to the proposed activity must be attached to, the meeting agenda
 274 of the next board of administration meeting. The disclosures of
 275 a possible conflict of interest must be entered into the written

276 minutes of the meeting. Approval of the contract or other
277 transaction requires an affirmative vote of two-thirds of all
278 other directors present. At the next regular or special meeting
279 of the members, the existence of the contract or other
280 transaction must be disclosed to the members.

281 (4) If the board finds that a community association
282 manager or a community association management firm, including
283 directors, officers, and persons with a financial interest in a
284 community association management firm, or a relative of such
285 persons, has violated this section, the association may cancel
286 its community association management contract with the community
287 association manager or the community association management
288 firm. If the contract is canceled, the association is liable
289 only for the reasonable value of the management services
290 provided up to the time of cancellation and is not liable for
291 any termination fees, liquidated damages, or other form of
292 penalty for such cancellation.

293 (5) If an association enters into a contract with a
294 community association manager or a community association
295 management firm, including directors, officers, and persons with
296 a financial interest in a community association management firm,
297 or a relative of such persons, which is a party to or has an
298 interest in an activity that is a possible conflict of interest
299 as described in subsection (1) and such activity has not been
300 properly disclosed as a conflict of interest or potential

301 conflict of interest as required by this section, the contract
 302 is voidable and terminates upon the association filing a written
 303 notice terminating the contract with its board of directors
 304 which contains the consent of at least 20 percent of the voting
 305 interests of the association.

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

309 Section 3. Paragraph (b) of subsection (2) of section
 310 468.436, Florida Statutes, is amended, and subsection (4) of
 311 that section is reenacted, to read:

312 468.436 Disciplinary proceedings.—

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

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

316 2. Violation of any lawful order or rule rendered or
 317 adopted by the department or the council.

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

320 4. Obtaining a license or certification or any other
 321 order, ruling, or authorization by means of fraud,
 322 misrepresentation, or concealment of material facts.

323 5. Committing acts of gross misconduct or gross negligence
 324 in connection with the profession.

325 6. Contracting, on behalf of an association, with any

326 entity in which the licensee has a financial interest that is
327 not disclosed.

328 7. Failing to disclose any conflict of interest as
329 required by s. 468.4335.

330 ~~8.7.~~ Violating ~~any provision of~~ chapter 718, chapter 719,
331 or chapter 720 during the course of performing community
332 association management services pursuant to a contract with a
333 community association as defined in s. 468.431(1).

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

338 (a) Denial of an application for licensure.

339 (b) Revocation or suspension of a license.

340 (c) Imposition of an administrative fine not to exceed
341 \$5,000 for each count or separate offense.

342 (d) Issuance of a reprimand.

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

346 (f) Restriction of the authorized scope of practice by the
347 community association manager.

348 Section 4. Subsections (19) through (32) of section
349 718.103, Florida Statutes, are renumbered as subsections (20)
350 through (33), respectively, and a new subsection (19) is added

351 to that section, to read:

352 718.103 Definitions.—As used in this chapter, the term:

353 (19) "Hurricane protection" means hurricane shutters,
 354 impact glass, code-compliant windows or doors, and other code-
 355 compliant hurricane protection products used to preserve and
 356 protect the condominium property or association property.

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

359 718.104 Creation of condominiums; contents of
 360 declaration.—Every condominium created in this state shall be
 361 created pursuant to this chapter.

362 (4) The declaration must contain or provide for the
 363 following matters:

364 (p) For both residential condominiums and mixed-use
 365 condominiums, a statement that specifies whether the unit owner
 366 or the association is responsible for the installation,
 367 maintenance, repair, or replacement of hurricane protection that
 368 is for the preservation and protection of the condominium
 369 property and association property.

370 Section 6. Paragraph (a) of subsection (1) and subsections
 371 (12), (13), and (15) of section 718.111, Florida Statutes, are
 372 amended to read:

373 718.111 The association.—

374 (1) CORPORATE ENTITY.—

375 (a) The operation of the condominium shall be by the

376 association, which must be a Florida corporation for profit or a
377 Florida corporation not for profit. However, any association
378 which was in existence on January 1, 1977, need not be
379 incorporated. The owners of units shall be shareholders or
380 members of the association. The officers and directors of the
381 association have a fiduciary relationship to the unit owners. It
382 is the intent of the Legislature that nothing in this paragraph
383 shall be construed as providing for or removing a requirement of
384 a fiduciary relationship between any manager employed by the
385 association and the unit owners. An officer, director, or
386 manager may not solicit, offer to accept, or accept any thing or
387 service of value or kickback for which consideration has not
388 been provided for his or her own benefit or that of his or her
389 immediate family, from any person providing or proposing to
390 provide goods or services to the association. Any such officer,
391 director, or manager who knowingly so solicits, offers to
392 accept, or accepts any thing or service of value or kickback
393 commits a felony of the third degree, punishable as provided in
394 s. 775.082, s. 775.083, or s. 775.084, is subject to a civil
395 penalty pursuant to s. 718.501(1)(d), and must be removed from
396 office and a vacancy declared ~~and, if applicable, a criminal~~
397 ~~penalty as provided in paragraph (d).~~ However, this paragraph
398 does not prohibit an officer, director, or manager from
399 accepting services or items received in connection with trade
400 fairs or education programs. An association may operate more

401 than one condominium.

402 (12) OFFICIAL RECORDS.—

403 (a) From the inception of the association, the association
 404 shall maintain each of the following items, if applicable, which
 405 constitutes the official records of the association:

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

408 2. A photocopy of the recorded declaration of condominium
 409 of each condominium operated by the association and each
 410 amendment to each declaration.

411 3. A photocopy of the recorded bylaws of the association
 412 and each amendment to the bylaws.

413 4. A certified copy of the articles of incorporation of
 414 the association, or other documents creating the association,
 415 and each amendment thereto.

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

417 6. A book or books that contain the minutes of all
 418 meetings of the association, the board of administration, and
 419 the unit owners.

420 7. A current roster of all unit owners and their mailing
 421 addresses, unit identifications, voting certifications, and, if
 422 known, telephone numbers. The association shall also maintain
 423 the e-mail addresses and facsimile numbers of unit owners
 424 consenting to receive notice by electronic transmission. ~~The e-~~
 425 ~~mail addresses and facsimile numbers are not accessible to unit~~

426 ~~owners if consent to receive notice by electronic transmission~~
427 ~~is not provided~~ In accordance with sub-subparagraph (c)5.e., the
428 e-mail addresses and facsimile numbers are only accessible to
429 unit owners if consent to receive notice by electronic
430 transmission is provided ~~(c)3.e.~~ However, the association is not
431 liable for an inadvertent disclosure of the e-mail address or
432 facsimile number for receiving electronic transmission of
433 notices.

434 8. All current insurance policies of the association and
435 condominiums operated by the association.

436 9. A current copy of any management agreement, lease, or
437 other contract to which the association is a party or under
438 which the association or the unit owners have an obligation or
439 responsibility.

440 10. Bills of sale or transfer for all property owned by
441 the association.

442 11. Accounting records for the association and separate
443 accounting records for each condominium that the association
444 operates. Any person who knowingly or intentionally defaces or
445 destroys such records, or who knowingly or intentionally fails
446 to create or maintain such records, with the intent of causing
447 harm to the association or one or more of its members, is
448 personally subject to a civil penalty pursuant to s.
449 718.501(1)(d). The accounting records must include, but are not
450 limited to:

451 a. Accurate, itemized, and detailed records of all
452 receipts and expenditures.

453 b. All invoices, transaction receipts, or deposit slips
454 that substantiate any receipt or expenditure of funds by the
455 association.

456 ~~c.d.~~ A current account and a monthly, bimonthly, or
457 quarterly statement of the account for each unit designating the
458 name of the unit owner, the due date and amount of each
459 assessment, the amount paid on the account, and the balance due.

460 ~~d.e.~~ All audits, reviews, accounting statements,
461 structural integrity reserve studies, and financial reports of
462 the association or condominium. Structural integrity reserve
463 studies must be maintained for at least 15 years after the study
464 is completed.

465 ~~e.d.~~ All contracts for work to be performed. Bids for work
466 to be performed are also considered official records and must be
467 maintained by the association for at least 1 year after receipt
468 of the bid.

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

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

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

478 15. A copy of the inspection reports described in ss.
 479 553.899 and 718.301(4) (p) and any other inspection report
 480 relating to a structural or life safety inspection of
 481 condominium property. Such record must be maintained by the
 482 association for 15 years after receipt of the report.

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

484 17. All affirmative acknowledgments made pursuant to s.
 485 718.121(4) (c).

486 18. A copy of all building permits issued for ongoing or
 487 planned construction.

488 ~~19.18.~~ All other written records of the association not
 489 specifically included in the foregoing which are related to the
 490 operation of the association.

491 (b) The official records specified in subparagraphs (a)1.-
 492 6. must be permanently maintained from the inception of the
 493 association. Bids for work to be performed or for materials,
 494 equipment, or services must be maintained for at least 1 year
 495 after receipt of the bid. All other official records must be
 496 maintained within the state for at least 7 years, unless
 497 otherwise provided by general law. The official records must be
 498 maintained in an organized manner that facilitates inspection of
 499 the records by a unit owner. In the event that the official
 500 records are lost, destroyed, or otherwise unavailable, the

501 obligation to maintain the official records includes a good
502 faith obligation to obtain and re-create those records to the
503 fullest extent possible. The records of the association shall be
504 made available to a unit owner within 45 miles of the
505 condominium property or within the county in which the
506 condominium property is located within 10 working days after
507 receipt of a written request by the board or its designee.
508 However, such distance requirement does not apply to an
509 association governing a timeshare condominium. This paragraph
510 and paragraph (c) may be complied with by having a copy of the
511 official records of the association available for inspection or
512 copying on the condominium property or association property, or
513 the association may offer the option of making the records
514 available to a unit owner electronically via the Internet as
515 provided under paragraph (g) or by allowing the records to be
516 viewed in electronic format on a computer screen and printed
517 upon request. The association is not responsible for the use or
518 misuse of the information provided to an association member or
519 his or her authorized representative in compliance with this
520 chapter unless the association has an affirmative duty not to
521 disclose such information under this chapter.

522 (c)1.a.(e)1. The official records of the association are
523 open to inspection by any association member and any person
524 authorized by an association member as a representative of such
525 member at all reasonable times. The right to inspect the records

526 includes the right to make or obtain copies, at the reasonable
527 expense, if any, of the member and of the person authorized by
528 the association member as a representative of such member. A
529 renter of a unit has a right to inspect and copy only the
530 declaration of condominium, the association's bylaws and rules,
531 and the inspection reports described in ss. 553.899 and
532 718.301(4)(p). The association may adopt reasonable rules
533 regarding the frequency, time, location, notice, and manner of
534 record inspections and copying but may not require a member to
535 demonstrate any purpose or state any reason for the inspection.
536 The failure of an association to provide the records within 10
537 working days after receipt of a written request creates a
538 rebuttable presumption that the association willfully failed to
539 comply with this paragraph. A unit owner who is denied access to
540 official records is entitled to the actual damages or minimum
541 damages for the association's willful failure to comply. Minimum
542 damages are \$50 per calendar day for up to 10 days, beginning on
543 the 11th working day after receipt of the written request. The
544 failure to permit inspection entitles any person prevailing in
545 an enforcement action to recover reasonable attorney fees from
546 the person in control of the records who, directly or
547 indirectly, knowingly denied access to the records. If the
548 requested records are posted on an association's website, or are
549 available for download through an application on a mobile
550 device, the association may fulfill its obligations under this

551 paragraph by directing to the website or the application all
552 persons authorized to request access.

553 b. In response to a written request to inspect records,
554 the association must simultaneously provide to the requestor a
555 checklist of all records made available for inspection and
556 copying. The checklist must also identify any of the
557 association's official records that were not made available to
558 the requestor. An association must maintain a checklist provided
559 under this sub-subparagraph for 7 years. An association
560 delivering a checklist pursuant to this sub-subparagraph creates
561 a rebuttable presumption that the association has complied with
562 this paragraph.

563 2. A director or member of the board or association or a
564 community association manager who knowingly, willfully, and
565 repeatedly violates subparagraph 1. commits a misdemeanor of the
566 second degree, punishable as provided in s. 775.082 or s.
567 775.083, and must be removed from office and a vacancy declared.
568 For purposes of this subparagraph, the term "repeatedly" means
569 two or more violations within a 12-month period.

570 3.2. Any person who knowingly or intentionally defaces or
571 destroys accounting records that are required by this chapter to
572 be maintained during the period for which such records are
573 required to be maintained, or who knowingly or intentionally
574 fails to create or maintain accounting records that are required
575 to be created or maintained, with the intent of causing harm to

576 the association or one or more of its members, commits a
577 misdemeanor of the first degree, punishable as provided in s.
578 775.082 or s. 775.083, is personally subject to a civil penalty
579 pursuant to s. 718.501(1)(d), and must be removed from office
580 and a vacancy declared.

581 4. A person who willfully and knowingly refuses to release
582 or otherwise produce association records with the intent to
583 avoid or escape detection, arrest, trial, or punishment for the
584 commission of a crime, or to assist another person with such
585 avoidance or escape, commits a felony of the third degree,
586 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
587 and must be removed from office and a vacancy declared.

588 ~~5.3.~~ The association shall maintain an adequate number of
589 copies of the declaration, articles of incorporation, bylaws,
590 and rules, and all amendments to each of the foregoing, as well
591 as the question and answer sheet as described in s. 718.504 and
592 year-end financial information required under this section, on
593 the condominium property to ensure their availability to unit
594 owners and prospective purchasers, and may charge its actual
595 costs for preparing and furnishing these documents to those
596 requesting the documents. An association shall allow a member or
597 his or her authorized representative to use a portable device,
598 including a smartphone, tablet, portable scanner, or any other
599 technology capable of scanning or taking photographs, to make an
600 electronic copy of the official records in lieu of the

601 association's providing the member or his or her authorized
602 representative with a copy of such records. The association may
603 not charge a member or his or her authorized representative for
604 the use of a portable device. Notwithstanding this paragraph,
605 the following records are not accessible to unit owners:

606 a. Any record protected by the lawyer-client privilege as
607 described in s. 90.502 and any record protected by the work-
608 product privilege, including a record prepared by an association
609 attorney or prepared at the attorney's express direction, which
610 reflects a mental impression, conclusion, litigation strategy,
611 or legal theory of the attorney or the association, and which
612 was prepared exclusively for civil or criminal litigation or for
613 adversarial administrative proceedings, or which was prepared in
614 anticipation of such litigation or proceedings until the
615 conclusion of the litigation or proceedings.

616 b. Information obtained by an association in connection
617 with the approval of the lease, sale, or other transfer of a
618 unit.

619 c. Personnel records of association or management company
620 employees, including, but not limited to, disciplinary, payroll,
621 health, and insurance records. For purposes of this sub-
622 subparagraph, the term "personnel records" does not include
623 written employment agreements with an association employee or
624 management company, or budgetary or financial records that
625 indicate the compensation paid to an association employee.

- 626 d. Medical records of unit owners.
- 627 e. Social security numbers, driver license numbers, credit
628 card numbers, e-mail addresses, telephone numbers, facsimile
629 numbers, emergency contact information, addresses of a unit
630 owner other than as provided to fulfill the association's notice
631 requirements, and other personal identifying information of any
632 person, excluding the person's name, unit designation, mailing
633 address, property address, and any address, e-mail address, or
634 facsimile number provided to the association to fulfill the
635 association's notice requirements. Notwithstanding the
636 restrictions in this sub-subparagraph, an association may print
637 and distribute to unit owners a directory containing the name,
638 unit address, and all telephone numbers of each unit owner.
639 However, an owner may exclude his or her telephone numbers from
640 the directory by so requesting in writing to the association. An
641 owner may consent in writing to the disclosure of other contact
642 information described in this sub-subparagraph. The association
643 is not liable for the inadvertent disclosure of information that
644 is protected under this sub-subparagraph if the information is
645 included in an official record of the association and is
646 voluntarily provided by an owner and not requested by the
647 association.
- 648 f. Electronic security measures that are used by the
649 association to safeguard data, including passwords.
- 650 g. The software and operating system used by the

651 association which allow the manipulation of data, even if the
652 owner owns a copy of the same software used by the association.
653 The data is part of the official records of the association.

654 h. All affirmative acknowledgments made pursuant to s.
655 718.121(4)(c).

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

658 (e)1. The association or its authorized agent is not
659 required to provide a prospective purchaser or lienholder with
660 information about the condominium or the association other than
661 information or documents required by this chapter to be made
662 available or disclosed. The association or its authorized agent
663 may charge a reasonable fee to the prospective purchaser,
664 lienholder, or the current unit owner for providing good faith
665 responses to requests for information by or on behalf of a
666 prospective purchaser or lienholder, other than that required by
667 law, if the fee does not exceed \$150 plus the reasonable cost of
668 photocopying and any attorney's fees incurred by the association
669 in connection with the response.

670 2. An association and its authorized agent are not liable
671 for providing such information in good faith pursuant to a
672 written request if the person providing the information includes
673 a written statement in substantially the following form: "The
674 responses herein are made in good faith and to the best of my
675 ability as to their accuracy."

676 (f) An outgoing board or committee member must relinquish
 677 all official records and property of the association in his or
 678 her possession or under his or her control to the incoming board
 679 within 5 days after the election. The division shall impose a
 680 civil penalty as set forth in s. 718.501(1)(d)6. against an
 681 outgoing board or committee member who willfully and knowingly
 682 fails to relinquish such records and property.

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

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

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

692 (II) A website, application, or web portal operated by a
 693 third-party provider with whom the association owns, leases,
 694 rents, or otherwise obtains the right to operate a web page,
 695 subpage, web portal, collection of subpages or web portals, or
 696 an application which is dedicated to the association's
 697 activities and on which required notices, records, and documents
 698 may be posted or made available by the association.

699 b. The association's website or application must be
 700 accessible through the Internet and must contain a subpage, web

701 portal, or other protected electronic location that is
702 inaccessible to the general public and accessible only to unit
703 owners and employees of the association.

704 c. Upon a unit owner's written request, the association
705 must provide the unit owner with a username and password and
706 access to the protected sections of the association's website or
707 application which contain any notices, records, or documents
708 that must be electronically provided.

709 2. A current copy of the following documents must be
710 posted in digital format on the association's website or
711 application:

712 a. The recorded declaration of condominium of each
713 condominium operated by the association and each amendment to
714 each declaration.

715 b. The recorded bylaws of the association and each
716 amendment to the bylaws.

717 c. The articles of incorporation of the association, or
718 other documents creating the association, and each amendment to
719 the articles of incorporation or other documents. The copy
720 posted pursuant to this sub-subparagraph must be a copy of the
721 articles of incorporation filed with the Department of State.

722 d. The rules of the association.

723 e. A list of all executory contracts or documents to which
724 the association is a party or under which the association or the
725 unit owners have an obligation or responsibility and, after

726 bidding for the related materials, equipment, or services has
 727 closed, a list of bids received by the association within the
 728 past year. Summaries of bids for materials, equipment, or
 729 services which exceed \$500 must be maintained on the website or
 730 application for 1 year. In lieu of summaries, complete copies of
 731 the bids may be posted.

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

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

737 h. The certification of each director required by s.
 738 718.112(2)(d)4.b.

739 i. All contracts or transactions between the association
 740 and any director, officer, corporation, firm, or association
 741 that is not an affiliated condominium association or any other
 742 entity in which an association director is also a director or
 743 officer and financially interested.

744 j. Any contract or document regarding a conflict of
 745 interest or possible conflict of interest as provided in ss.
 746 468.4335, 468.436(2)(b)6., and 718.3027(3).

747 k. The notice of any unit owner meeting and the agenda for
 748 the meeting, as required by s. 718.112(2)(d)3., no later than 14
 749 days before the meeting. The notice must be posted in plain view
 750 on the front page of the website or application, or on a

751 separate subpage of the website or application labeled "Notices"
752 which is conspicuously visible and linked from the front page.
753 The association must also post on its website or application any
754 document to be considered and voted on by the owners during the
755 meeting or any document listed on the agenda at least 7 days
756 before the meeting at which the document or the information
757 within the document will be considered.

758 1. Notice of any board meeting, the agenda, and any other
759 document required for the meeting as required by s.
760 718.112(2)(c), which must be posted no later than the date
761 required for notice under s. 718.112(2)(c).

762 m. The inspection reports described in ss. 553.899 and
763 718.301(4)(p) and any other inspection report relating to a
764 structural or life safety inspection of condominium property.

765 n. The association's most recent structural integrity
766 reserve study, if applicable.

767 o. Copies of all building permits issued for ongoing or
768 planned construction.

769 3. The association shall ensure that the information and
770 records described in paragraph (c), which are not allowed to be
771 accessible to unit owners, are not posted on the association's
772 website or application. If protected information or information
773 restricted from being accessible to unit owners is included in
774 documents that are required to be posted on the association's
775 website or application, the association shall ensure the

776 information is redacted before posting the documents.
777 Notwithstanding the foregoing, the association or its agent is
778 not liable for disclosing information that is protected or
779 restricted under this paragraph unless such disclosure was made
780 with a knowing or intentional disregard of the protected or
781 restricted nature of such information.

782 4. The failure of the association to post information
783 required under subparagraph 2. is not in and of itself
784 sufficient to invalidate any action or decision of the
785 association's board or its committees.

786 (13) FINANCIAL REPORTING.—Within 90 days after the end of
787 the fiscal year, or annually on a date provided in the bylaws,
788 the association shall prepare and complete, or contract for the
789 preparation and completion of, a financial report for the
790 preceding fiscal year. Within 21 days after the final financial
791 report is completed by the association or received from the
792 third party, but not later than 120 days after the end of the
793 fiscal year or other date as provided in the bylaws, the
794 association shall deliver ~~mail~~ to each unit owner by United
795 States mail or personal delivery at the mailing address,
796 property address, e-mail address, or facsimile number provided
797 to fulfill the association's notice requirements ~~at the address~~
798 ~~last furnished to the association by the unit owner, or hand~~
799 ~~deliver to each unit owner,~~ a copy of the most recent financial
800 report, and ~~or~~ a notice that a copy of the most recent financial

801 report will be mailed or hand delivered to the unit owner,
802 without charge, within 5 business days after receipt of a
803 written request from the unit owner. The division shall adopt
804 rules setting forth uniform accounting principles and standards
805 to be used by all associations and addressing the financial
806 reporting requirements for multicondominium associations. The
807 rules must include, but not be limited to, standards for
808 presenting a summary of association reserves, including a good
809 faith estimate disclosing the annual amount of reserve funds
810 that would be necessary for the association to fully fund
811 reserves for each reserve item based on the straight-line
812 accounting method. This disclosure is not applicable to reserves
813 funded via the pooling method. In adopting such rules, the
814 division shall consider the number of members and annual
815 revenues of an association. Financial reports shall be prepared
816 as follows:

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

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

825 2. An association with total annual revenues of at least

826 \$300,000, but less than \$500,000, shall prepare reviewed
 827 financial statements.

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

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

833 2. A report of cash receipts and disbursements must
 834 disclose the amount of receipts by accounts and receipt
 835 classifications and the amount of expenses by accounts and
 836 expense classifications, including, but not limited to, the
 837 following, as applicable: costs for security, professional and
 838 management fees and expenses, taxes, costs for recreation
 839 facilities, expenses for refuse collection and utility services,
 840 expenses for lawn care, costs for building maintenance and
 841 repair, insurance costs, administration and salary expenses, and
 842 reserves accumulated and expended for capital expenditures,
 843 deferred maintenance, and any other category for which the
 844 association maintains reserves.

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

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

850 2. Reviewed or audited financial statements, if the

851 association is required to prepare compiled financial
 852 statements; or

853 3. Audited financial statements if the association is
 854 required to prepare reviewed financial statements.

855 (d) If approved by a majority of the voting interests
 856 present at a properly called meeting of the association, an
 857 association may prepare:

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

860 2. A report of cash receipts and expenditures or a
 861 compiled financial statement in lieu of a reviewed or audited
 862 financial statement; or

863 3. A report of cash receipts and expenditures, a compiled
 864 financial statement, or a reviewed financial statement in lieu
 865 of an audited financial statement.

866
 867 Such meeting and approval must occur before the end of the
 868 fiscal year and is effective only for the fiscal year in which
 869 the vote is taken. An association may not prepare a financial
 870 report pursuant to this paragraph for consecutive fiscal years,
 871 ~~except that the approval may also be effective for the following~~
 872 ~~fiscal year.~~ If the developer has not turned over control of the
 873 association, all unit owners, including the developer, may vote
 874 on issues related to the preparation of the association's
 875 financial reports, from the date of incorporation of the

876 association through the end of the second fiscal year after the
877 fiscal year in which the certificate of a surveyor and mapper is
878 recorded pursuant to s. 718.104(4)(e) or an instrument that
879 transfers title to a unit in the condominium which is not
880 accompanied by a recorded assignment of developer rights in
881 favor of the grantee of such unit is recorded, whichever occurs
882 first. Thereafter, all unit owners except the developer may vote
883 on such issues until control is turned over to the association
884 by the developer. Any audit or review prepared under this
885 section shall be paid for by the developer if done before
886 turnover of control of the association.

887 (e) A unit owner may provide written notice to the
888 division of the association's failure to mail or hand deliver
889 him or her a copy of the most recent financial report within 5
890 business days after he or she submitted a written request to the
891 association for a copy of such report. If the division
892 determines that the association failed to mail or hand deliver a
893 copy of the most recent financial report to the unit owner, the
894 division shall provide written notice to the association that
895 the association must mail or hand deliver a copy of the most
896 recent financial report to the unit owner and the division
897 within 5 business days after it receives such notice from the
898 division. An association that fails to comply with the
899 division's request may not waive the financial reporting
900 requirement provided in paragraph (d) for the fiscal year in

901 | which the unit owner's request was made and the following fiscal
 902 | year. A financial report received by the division pursuant to
 903 | this paragraph shall be maintained, and the division shall
 904 | provide a copy of such report to an association member upon his
 905 | or her request.

906 | (15) DEBIT CARDS.—

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

911 | (b) A person who uses ~~Use of~~ a debit card issued in the
 912 | name of the association, or billed directly to the association,
 913 | for any expense that is not a lawful obligation of the
 914 | association commits theft under s. 812.014 and must be removed
 915 | from office and a vacancy declared. For the purposes of this
 916 | paragraph, the term "lawful obligation of the association" means
 917 | an obligation that has been properly preapproved by the board
 918 | and is reflected in the meeting minutes or the written budget
 919 | ~~may be prosecuted as credit card fraud pursuant to s. 817.61.~~

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

923 | 718.111 The association.—

924 | (12) OFFICIAL RECORDS.—

925 | (g)1. ~~By January 1, 2019,~~ An association managing a

926 condominium with 25 ~~150~~ or more units which does not contain
927 timeshare units shall post digital copies of the documents
928 specified in subparagraph 2. on its website or make such
929 documents available through an application that can be
930 downloaded on a mobile device.

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

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

934 (II) A website, application, or web portal operated by a
935 third-party provider with whom the association owns, leases,
936 rents, or otherwise obtains the right to operate a web page,
937 subpage, web portal, collection of subpages or web portals, or
938 an application which is dedicated to the association's
939 activities and on which required notices, records, and documents
940 may be posted or made available by the association.

941 b. The association's website or application must be
942 accessible through the Internet and must contain a subpage, web
943 portal, or other protected electronic location that is
944 inaccessible to the general public and accessible only to unit
945 owners and employees of the association.

946 c. Upon a unit owner's written request, the association
947 must provide the unit owner with a username and password and
948 access to the protected sections of the association's website or
949 application which contain any notices, records, or documents
950 that must be electronically provided.

951 2. A current copy of the following documents must be
 952 posted in digital format on the association's website or
 953 application:

954 a. The recorded declaration of condominium of each
 955 condominium operated by the association and each amendment to
 956 each declaration.

957 b. The recorded bylaws of the association and each
 958 amendment to the bylaws.

959 c. The articles of incorporation of the association, or
 960 other documents creating the association, and each amendment to
 961 the articles of incorporation or other documents. The copy
 962 posted pursuant to this sub-subparagraph must be a copy of the
 963 articles of incorporation filed with the Department of State.

964 d. The rules of the association.

965 e. A list of all executory contracts or documents to which
 966 the association is a party or under which the association or the
 967 unit owners have an obligation or responsibility and, after
 968 bidding for the related materials, equipment, or services has
 969 closed, a list of bids received by the association within the
 970 past year. Summaries of bids for materials, equipment, or
 971 services which exceed \$500 must be maintained on the website or
 972 application for 1 year. In lieu of summaries, complete copies of
 973 the bids may be posted.

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

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

979 h. The certification of each director required by s.
 980 718.112(2)(d)4.b.

981 i. All contracts or transactions between the association
 982 and any director, officer, corporation, firm, or association
 983 that is not an affiliated condominium association or any other
 984 entity in which an association director is also a director or
 985 officer and financially interested.

986 j. Any contract or document regarding a conflict of
 987 interest or possible conflict of interest as provided in ss.
 988 468.4335, 468.436(2)(b)6., and 718.3027(3).

989 k. The notice of any unit owner meeting and the agenda for
 990 the meeting, as required by s. 718.112(2)(d)3., no later than 14
 991 days before the meeting. The notice must be posted in plain view
 992 on the front page of the website or application, or on a
 993 separate subpage of the website or application labeled "Notices"
 994 which is conspicuously visible and linked from the front page.
 995 The association must also post on its website or application any
 996 document to be considered and voted on by the owners during the
 997 meeting or any document listed on the agenda at least 7 days
 998 before the meeting at which the document or the information
 999 within the document will be considered.

1000 l. Notice of any board meeting, the agenda, and any other

1001 document required for the meeting as required by s.
 1002 718.112(2)(c), which must be posted no later than the date
 1003 required for notice under s. 718.112(2)(c).
 1004 m. The inspection reports described in ss. 553.899 and
 1005 718.301(4)(p) and any other inspection report relating to a
 1006 structural or life safety inspection of condominium property.
 1007 n. The association's most recent structural integrity
 1008 reserve study, if applicable.
 1009 o. Copies of all building permits issued for ongoing or
 1010 planned construction.
 1011 3. The association shall ensure that the information and
 1012 records described in paragraph (c), which are not allowed to be
 1013 accessible to unit owners, are not posted on the association's
 1014 website or application. If protected information or information
 1015 restricted from being accessible to unit owners is included in
 1016 documents that are required to be posted on the association's
 1017 website or application, the association shall ensure the
 1018 information is redacted before posting the documents.
 1019 Notwithstanding the foregoing, the association or its agent is
 1020 not liable for disclosing information that is protected or
 1021 restricted under this paragraph unless such disclosure was made
 1022 with a knowing or intentional disregard of the protected or
 1023 restricted nature of such information.
 1024 4. The failure of the association to post information
 1025 required under subparagraph 2. is not in and of itself

1026 sufficient to invalidate any action or decision of the
 1027 association's board or its committees.

1028 Section 8. Paragraphs (c), (d), (f), (g), and (q) of
 1029 subsection (2) of section 718.112, Florida Statutes, are
 1030 amended, and paragraph (r) is added to that subsection, to read:

1031 718.112 Bylaws.—

1032 (2) REQUIRED PROVISIONS.—The bylaws shall provide for the
 1033 following and, if they do not do so, shall be deemed to include
 1034 the following:

1035 (c) *Board of administration meetings.*—In a residential
 1036 condominium association of more than 10 units, the board of
 1037 administration shall meet once each quarter for the purpose of
 1038 responding to inquiries from members and informing members on
 1039 the state of the condominium, including the status of any
 1040 construction or repair projects, the status of the association's
 1041 revenue and expenditures during the fiscal year, or other issues
 1042 affecting the association. Meetings of the board of
 1043 administration at which a quorum of the members is present are
 1044 open to all unit owners. Members of the board of administration
 1045 may use e-mail as a means of communication but may not cast a
 1046 vote on an association matter via e-mail. A unit owner may tape
 1047 record or videotape the meetings. The right to attend such
 1048 meetings includes the right to speak at such meetings with
 1049 reference to all designated agenda items. The division shall
 1050 adopt reasonable rules governing the tape recording and

1051 videotaping of the meeting. The association may adopt written
1052 reasonable rules governing the frequency, duration, and manner
1053 of unit owner statements.

1054 1. Adequate notice of all board meetings, which must
1055 specifically identify all agenda items, must be posted
1056 conspicuously on the condominium property at least 48 continuous
1057 hours before the meeting except in an emergency. If 20 percent
1058 of the voting interests petition the board to address an item of
1059 business, the board, within 60 days after receipt of the
1060 petition, shall place the item on the agenda at its next regular
1061 board meeting or at a special meeting called for that purpose.
1062 An item not included on the notice may be taken up on an
1063 emergency basis by a vote of at least a majority plus one of the
1064 board members. Such emergency action must be noticed and
1065 ratified at the next regular board meeting. Written notice of a
1066 meeting at which a nonemergency special assessment or an
1067 amendment to rules regarding unit use will be considered must be
1068 mailed, delivered, or electronically transmitted to the unit
1069 owners and posted conspicuously on the condominium property at
1070 least 14 days before the meeting. Evidence of compliance with
1071 this 14-day notice requirement must be made by an affidavit
1072 executed by the person providing the notice and filed with the
1073 official records of the association. ~~Notice of any meeting in~~
1074 ~~which regular or special assessments against unit owners are to~~
1075 ~~be considered must specifically state that assessments will be~~

1076 ~~considered and provide the estimated cost and description of the~~
1077 ~~purposes for such assessments.~~

1078 2. Upon notice to the unit owners, the board shall, by
1079 duly adopted rule, designate a specific location on the
1080 condominium property at which ~~where~~ all notices of board
1081 meetings must be posted. If there is no condominium property at
1082 which ~~where~~ notices can be posted, notices shall be mailed,
1083 delivered, or electronically transmitted to each unit owner at
1084 least 14 days before the meeting. In lieu of or in addition to
1085 the physical posting of the notice on the condominium property,
1086 the association may, by reasonable rule, adopt a procedure for
1087 conspicuously posting and repeatedly broadcasting the notice and
1088 the agenda on a closed-circuit cable television system serving
1089 the condominium association. However, if broadcast notice is
1090 used in lieu of a notice physically posted on condominium
1091 property, the notice and agenda must be broadcast at least four
1092 times every broadcast hour of each day that a posted notice is
1093 otherwise required under this section. If broadcast notice is
1094 provided, the notice and agenda must be broadcast in a manner
1095 and for a sufficient continuous length of time so as to allow an
1096 average reader to observe the notice and read and comprehend the
1097 entire content of the notice and the agenda. In addition to any
1098 of the authorized means of providing notice of a meeting of the
1099 board, the association may, by rule, adopt a procedure for
1100 conspicuously posting the meeting notice and the agenda on a

1101 website serving the condominium association for at least the
1102 minimum period of time for which a notice of a meeting is also
1103 required to be physically posted on the condominium property.
1104 Any rule adopted shall, in addition to other matters, include a
1105 requirement that the association send an electronic notice in
1106 the same manner as a notice for a meeting of the members, which
1107 must include a hyperlink to the website at which ~~where~~ the
1108 notice is posted, to unit owners whose e-mail addresses are
1109 included in the association's official records.

1110 3. Notice of any meeting in which regular or special
1111 assessments against unit owners are to be considered must
1112 specifically state that assessments will be considered and
1113 provide the estimated cost and description of the purposes for
1114 such assessments. If an agenda item relates to the approval of a
1115 contract for goods or services, a copy of the contract must be
1116 provided with the notice and be made available for inspection
1117 and copying upon a written request from a unit owner or made
1118 available on the association's website or through an application
1119 that can be downloaded on a mobile device.

1120 4.2. Meetings of a committee to take final action on
1121 behalf of the board or make recommendations to the board
1122 regarding the association budget are subject to this paragraph.
1123 Meetings of a committee that does not take final action on
1124 behalf of the board or make recommendations to the board
1125 regarding the association budget are subject to this section,

1126 unless those meetings are exempted from this section by the
 1127 bylaws of the association.

1128 ~~5.3.~~ Notwithstanding any other law, the requirement that
 1129 board meetings and committee meetings be open to the unit owners
 1130 does not apply to:

1131 a. Meetings between the board or a committee and the
 1132 association's attorney, with respect to proposed or pending
 1133 litigation, if the meeting is held for the purpose of seeking or
 1134 rendering legal advice; or

1135 b. Board meetings held for the purpose of discussing
 1136 personnel matters.

1137 (d) *Unit owner meetings.*—

1138 1. An annual meeting of the unit owners must be held at
 1139 the location provided in the association bylaws and, if the
 1140 bylaws are silent as to the location, the meeting must be held
 1141 within 45 miles of the condominium property. However, such
 1142 distance requirement does not apply to an association governing
 1143 a timeshare condominium.

1144 2. Unless the bylaws provide otherwise, a vacancy on the
 1145 board caused by the expiration of a director's term must be
 1146 filled by electing a new board member, and the election must be
 1147 by secret ballot. An election is not required if the number of
 1148 vacancies equals or exceeds the number of candidates. For
 1149 purposes of this paragraph, the term "candidate" means an
 1150 eligible person who has timely submitted the written notice, as

1151 described in sub-subparagraph 4.a., of his or her intention to
1152 become a candidate. Except in a timeshare or nonresidential
1153 condominium, or if the staggered term of a board member does not
1154 expire until a later annual meeting, or if all members' terms
1155 would otherwise expire but there are no candidates, the terms of
1156 all board members expire at the annual meeting, and such members
1157 may stand for reelection unless prohibited by the bylaws. Board
1158 members may serve terms longer than 1 year if permitted by the
1159 bylaws or articles of incorporation. A board member may not
1160 serve more than 8 consecutive years unless approved by an
1161 affirmative vote of unit owners representing two-thirds of all
1162 votes cast in the election or unless there are not enough
1163 eligible candidates to fill the vacancies on the board at the
1164 time of the vacancy. Only board service that occurs on or after
1165 July 1, 2018, may be used when calculating a board member's term
1166 limit. If the number of board members whose terms expire at the
1167 annual meeting equals or exceeds the number of candidates, the
1168 candidates become members of the board effective upon the
1169 adjournment of the annual meeting. Unless the bylaws provide
1170 otherwise, any remaining vacancies shall be filled by the
1171 affirmative vote of the majority of the directors making up the
1172 newly constituted board even if the directors constitute less
1173 than a quorum or there is only one director. In a residential
1174 condominium association of more than 10 units or in a
1175 residential condominium association that does not include

1176 | timeshare units or timeshare interests, co-owners of a unit may
1177 | not serve as members of the board of directors at the same time
1178 | unless they own more than one unit or unless there are not
1179 | enough eligible candidates to fill the vacancies on the board at
1180 | the time of the vacancy. A unit owner in a residential
1181 | condominium desiring to be a candidate for board membership must
1182 | comply with sub-subparagraph 4.a. and must be eligible to be a
1183 | candidate to serve on the board of directors at the time of the
1184 | deadline for submitting a notice of intent to run in order to
1185 | have his or her name listed as a proper candidate on the ballot
1186 | or to serve on the board. A person who has been suspended or
1187 | removed by the division under this chapter, or who is delinquent
1188 | in the payment of any assessment due to the association, is not
1189 | eligible to be a candidate for board membership and may not be
1190 | listed on the ballot. For purposes of this paragraph, a person
1191 | is delinquent if a payment is not made by the due date as
1192 | specifically identified in the declaration of condominium,
1193 | bylaws, or articles of incorporation. If a due date is not
1194 | specifically identified in the declaration of condominium,
1195 | bylaws, or articles of incorporation, the due date is the first
1196 | day of the assessment period. A person who has been convicted of
1197 | any felony in this state or in a United States District or
1198 | Territorial Court, or who has been convicted of any offense in
1199 | another jurisdiction which would be considered a felony if
1200 | committed in this state, is not eligible for board membership

1201 unless such felon's civil rights have been restored for at least
1202 5 years as of the date such person seeks election to the board.
1203 The validity of an action by the board is not affected if it is
1204 later determined that a board member is ineligible for board
1205 membership due to having been convicted of a felony. This
1206 subparagraph does not limit the term of a member of the board of
1207 a nonresidential or timeshare condominium.

1208 3. The bylaws must provide the method of calling meetings
1209 of unit owners, including annual meetings. Written notice of an
1210 annual meeting must include an agenda; be mailed, hand
1211 delivered, or electronically transmitted to each unit owner at
1212 least 14 days before the annual meeting; and be posted in a
1213 conspicuous place on the condominium property or association
1214 property at least 14 continuous days before the annual meeting.
1215 Written notice of a meeting other than an annual meeting must
1216 include an agenda; be mailed, hand delivered, or electronically
1217 transmitted to each unit owner; and be posted in a conspicuous
1218 place on the condominium property or association property within
1219 the timeframe specified in the bylaws. If the bylaws do not
1220 specify a timeframe for written notice of a meeting other than
1221 an annual meeting, notice must be provided at least 14
1222 continuous days before the meeting. Upon notice to the unit
1223 owners, the board shall, by duly adopted rule, designate a
1224 specific location on the condominium property or association
1225 property at which ~~where~~ all notices of unit owner meetings must

1226 | be posted. This requirement does not apply if there is no
 1227 | condominium property for posting notices. In lieu of, or in
 1228 | addition to, the physical posting of meeting notices, the
 1229 | association may, by reasonable rule, adopt a procedure for
 1230 | conspicuously posting and repeatedly broadcasting the notice and
 1231 | the agenda on a closed-circuit cable television system serving
 1232 | the condominium association. However, if broadcast notice is
 1233 | used in lieu of a notice posted physically on the condominium
 1234 | property, the notice and agenda must be broadcast at least four
 1235 | times every broadcast hour of each day that a posted notice is
 1236 | otherwise required under this section. If broadcast notice is
 1237 | provided, the notice and agenda must be broadcast in a manner
 1238 | and for a sufficient continuous length of time so as to allow an
 1239 | average reader to observe the notice and read and comprehend the
 1240 | entire content of the notice and the agenda. In addition to any
 1241 | of the authorized means of providing notice of a meeting of the
 1242 | board, the association may, by rule, adopt a procedure for
 1243 | conspicuously posting the meeting notice and the agenda on a
 1244 | website serving the condominium association for at least the
 1245 | minimum period of time for which a notice of a meeting is also
 1246 | required to be physically posted on the condominium property.
 1247 | Any rule adopted shall, in addition to other matters, include a
 1248 | requirement that the association send an electronic notice in
 1249 | the same manner as a notice for a meeting of the members, which
 1250 | must include a hyperlink to the website at which ~~where~~ the

1251 notice is posted, to unit owners whose e-mail addresses are
1252 included in the association's official records. Unless a unit
1253 owner waives in writing the right to receive notice of the
1254 annual meeting, such notice must be hand delivered, mailed, or
1255 electronically transmitted to each unit owner. Notice for
1256 meetings and notice for all other purposes must be mailed to
1257 each unit owner at the address last furnished to the association
1258 by the unit owner, or hand delivered to each unit owner.
1259 However, if a unit is owned by more than one person, the
1260 association must provide notice to the address that the
1261 developer identifies for that purpose and thereafter as one or
1262 more of the owners of the unit advise the association in
1263 writing, or if no address is given or the owners of the unit do
1264 not agree, to the address provided on the deed of record. An
1265 officer of the association, or the manager or other person
1266 providing notice of the association meeting, must provide an
1267 affidavit or United States Postal Service certificate of
1268 mailing, to be included in the official records of the
1269 association affirming that the notice was mailed or hand
1270 delivered in accordance with this provision.

1271 4. The members of the board of a residential condominium
1272 shall be elected by written ballot or voting machine. Proxies
1273 may not be used in electing the board in general elections or
1274 elections to fill vacancies caused by recall, resignation, or
1275 otherwise, unless otherwise provided in this chapter. This

1276 subparagraph does not apply to an association governing a
1277 timeshare condominium.

1278 a. At least 60 days before a scheduled election, the
1279 association shall mail, deliver, or electronically transmit, by
1280 separate association mailing or included in another association
1281 mailing, delivery, or transmission, including regularly
1282 published newsletters, to each unit owner entitled to a vote, a
1283 first notice of the date of the election. A unit owner or other
1284 eligible person desiring to be a candidate for the board must
1285 give written notice of his or her intent to be a candidate to
1286 the association at least 40 days before a scheduled election.
1287 Together with the written notice and agenda as set forth in
1288 subparagraph 3., the association shall mail, deliver, or
1289 electronically transmit a second notice of the election to all
1290 unit owners entitled to vote, together with a ballot that lists
1291 all candidates not less than 14 days or more than 34 days before
1292 the date of the election. Upon request of a candidate, an
1293 information sheet, no larger than 8 1/2 inches by 11 inches,
1294 which must be furnished by the candidate at least 35 days before
1295 the election, must be included with the mailing, delivery, or
1296 transmission of the ballot, with the costs of mailing, delivery,
1297 or electronic transmission and copying to be borne by the
1298 association. The association is not liable for the contents of
1299 the information sheets prepared by the candidates. In order to
1300 reduce costs, the association may print or duplicate the

1301 information sheets on both sides of the paper. The division
 1302 shall by rule establish voting procedures consistent with this
 1303 sub-subparagraph, including rules establishing procedures for
 1304 giving notice by electronic transmission and rules providing for
 1305 the secrecy of ballots. Elections shall be decided by a
 1306 plurality of ballots cast. There is no quorum requirement;
 1307 however, at least 20 percent of the eligible voters must cast a
 1308 ballot in order to have a valid election. A unit owner may not
 1309 authorize any other person to vote his or her ballot, and any
 1310 ballots improperly cast are invalid. A unit owner who violates
 1311 this provision may be fined by the association in accordance
 1312 with s. 718.303. A unit owner who needs assistance in casting
 1313 the ballot for the reasons stated in s. 101.051 may obtain such
 1314 assistance. The regular election must occur on the date of the
 1315 annual meeting. Notwithstanding this sub-subparagraph, an
 1316 election is not required unless more candidates file notices of
 1317 intent to run or are nominated than board vacancies exist.

1318 b. A director of a ~~Within 90 days after being elected or~~
 1319 ~~appointed to the~~ board of an association of a residential
 1320 condominium, ~~each newly elected or appointed director shall:~~

1321 (I) Certify in writing to the secretary of the association
 1322 that he or she has read the association's declaration of
 1323 condominium, articles of incorporation, bylaws, and current
 1324 written policies; that he or she will work to uphold such
 1325 documents and policies to the best of his or her ability; and

1326 that he or she will faithfully discharge his or her fiduciary
1327 responsibility to the association's members.

1328 (II) Submit to the secretary of the association ~~In lieu of~~
1329 ~~this written certification, within 90 days after being elected~~
1330 ~~or appointed to the board, the newly elected or appointed~~
1331 ~~director may submit~~ a certificate of having satisfactorily
1332 completed the educational curriculum administered by the
1333 division or a division-approved condominium education provider.
1334 The educational curriculum must be at least 4 hours long and
1335 include instruction on milestone inspections, structural
1336 integrity reserve studies, recordkeeping, financial literacy and
1337 transparency, levying of fines, and notice and meeting
1338 requirements within 1 year before or 90 days after the date of
1339 election or appointment.

1340
1341 Each newly elected or appointed director must submit to the
1342 secretary of the association the written certification and
1343 educational certificate within 1 year before being elected or
1344 appointed or 90 days after the date of election or appointment.
1345 A director of an association of a residential condominium who
1346 was elected or appointed before July 1, 2024, must comply with
1347 the written certification and educational certificate
1348 requirements in this sub-subparagraph by June 30, 2025. The
1349 written certification and ~~or~~ educational certificate is valid
1350 for 7 years after the date of issuance and does not have to be

1351 resubmitted as long as the director serves on the board without
1352 interruption during the 7-year period. A director who is
1353 appointed by the developer may satisfy the educational
1354 certificate requirement in sub-sub-subparagraph (II) for any
1355 subsequent appointment to a board by a developer within 7 years
1356 after the date of issuance of the most recent educational
1357 certificate, including any interruption of service on a board or
1358 appointment to a board in another association within that 7-year
1359 period. One year after submission of the most recent written
1360 certification and educational certificate, and annually
1361 thereafter, a director of an association of a residential
1362 condominium must submit to the secretary of the association a
1363 certificate of having satisfactorily completed at least 1 hour
1364 of continuing education administered by the division, or a
1365 division-approved condominium education provider, relating to
1366 any recent changes to this chapter and the related
1367 administrative rules during the past year. A director of an
1368 association of a residential condominium who fails to timely
1369 file the written certification and ~~or~~ educational certificate is
1370 suspended from service on the board until he or she complies
1371 with this sub-subparagraph. The board may temporarily fill the
1372 vacancy during the period of suspension. The secretary shall
1373 cause the association to retain a director's written
1374 certification and ~~or~~ educational certificate for inspection by
1375 the members for 7 ~~5~~ years after a director's election or the

1376 duration of the director's uninterrupted tenure, whichever is
1377 longer. Failure to have such written certification and ~~or~~
1378 educational certificate on file does not affect the validity of
1379 any board action.

1380 c. Any challenge to the election process must be commenced
1381 within 60 days after the election results are announced.

1382 5. Any approval by unit owners called for by this chapter
1383 or the applicable declaration or bylaws, including, but not
1384 limited to, the approval requirement in s. 718.111(8), must be
1385 made at a duly noticed meeting of unit owners and is subject to
1386 all requirements of this chapter or the applicable condominium
1387 documents relating to unit owner decisionmaking, except that
1388 unit owners may take action by written agreement, without
1389 meetings, on matters for which action by written agreement
1390 without meetings is expressly allowed by the applicable bylaws
1391 or declaration or any law that provides for such action.

1392 6. Unit owners may waive notice of specific meetings if
1393 allowed by the applicable bylaws or declaration or any law.
1394 Notice of meetings of the board of administration; unit owner
1395 meetings, except unit owner meetings called to recall board
1396 members under paragraph (1); and committee meetings may be given
1397 by electronic transmission to unit owners who consent to receive
1398 notice by electronic transmission. A unit owner who consents to
1399 receiving notices by electronic transmission is solely
1400 responsible for removing or bypassing filters that block receipt

1401 of mass e-mails sent to members on behalf of the association in
1402 the course of giving electronic notices.

1403 7. Unit owners have the right to participate in meetings
1404 of unit owners with reference to all designated agenda items.
1405 However, the association may adopt reasonable rules governing
1406 the frequency, duration, and manner of unit owner participation.

1407 8. A unit owner may tape record or videotape a meeting of
1408 the unit owners subject to reasonable rules adopted by the
1409 division.

1410 9. Unless otherwise provided in the bylaws, any vacancy
1411 occurring on the board before the expiration of a term may be
1412 filled by the affirmative vote of the majority of the remaining
1413 directors, even if the remaining directors constitute less than
1414 a quorum, or by the sole remaining director. In the alternative,
1415 a board may hold an election to fill the vacancy, in which case
1416 the election procedures must conform to sub-subparagraph 4.a.
1417 unless the association governs 10 units or fewer and has opted
1418 out of the statutory election process, in which case the bylaws
1419 of the association control. Unless otherwise provided in the
1420 bylaws, a board member appointed or elected under this section
1421 shall fill the vacancy for the unexpired term of the seat being
1422 filled. Filling vacancies created by recall is governed by
1423 paragraph (1) and rules adopted by the division.

1424 10. This chapter does not limit the use of general or
1425 limited proxies, require the use of general or limited proxies,

1426 or require the use of a written ballot or voting machine for any
1427 agenda item or election at any meeting of a timeshare
1428 condominium association or nonresidential condominium
1429 association.

1430
1431 Notwithstanding subparagraph (b)2. and sub-subparagraph 4.a., an
1432 association of 10 or fewer units may, by affirmative vote of a
1433 majority of the total voting interests, provide for different
1434 voting and election procedures in its bylaws, which may be by a
1435 proxy specifically delineating the different voting and election
1436 procedures. The different voting and election procedures may
1437 provide for elections to be conducted by limited or general
1438 proxy.

1439 (f) *Annual budget.*—

1440 1. The proposed annual budget of estimated revenues and
1441 expenses must be detailed and must show the amounts budgeted by
1442 accounts and expense classifications, including, at a minimum,
1443 any applicable expenses listed in s. 718.504(21). The board
1444 shall adopt the annual budget at least 14 days before the start
1445 of the association's fiscal year. In the event that the board
1446 fails to timely adopt the annual budget a second time, it is
1447 deemed a minor violation and the prior year's budget shall
1448 continue in effect until a new budget is adopted. A
1449 multicondominium association must adopt a separate budget of
1450 common expenses for each condominium the association operates

1451 and must adopt a separate budget of common expenses for the
1452 association. In addition, if the association maintains limited
1453 common elements with the cost to be shared only by those
1454 entitled to use the limited common elements as provided for in
1455 s. 718.113(1), the budget or a schedule attached to it must show
1456 the amount budgeted for this maintenance. If, after turnover of
1457 control of the association to the unit owners, any of the
1458 expenses listed in s. 718.504(21) are not applicable, they do
1459 not need to be listed.

1460 2.a. In addition to annual operating expenses, the budget
1461 must include reserve accounts for capital expenditures and
1462 deferred maintenance. These accounts must include, but are not
1463 limited to, roof replacement, building painting, and pavement
1464 resurfacing, regardless of the amount of deferred maintenance
1465 expense or replacement cost, and any other item that has a
1466 deferred maintenance expense or replacement cost that exceeds
1467 \$10,000. The amount to be reserved must be computed using a
1468 formula based upon estimated remaining useful life and estimated
1469 replacement cost or deferred maintenance expense of the reserve
1470 item. In a budget adopted by an association that is required to
1471 obtain a structural integrity reserve study, reserves must be
1472 maintained for the items identified in paragraph (g) for which
1473 the association is responsible pursuant to the declaration of
1474 condominium, and the reserve amount for such items must be based
1475 on the findings and recommendations of the association's most

1476 recent structural integrity reserve study. With respect to items
1477 for which an estimate of useful life is not readily
1478 ascertainable or with an estimated remaining useful life of
1479 greater than 25 years, an association is not required to reserve
1480 replacement costs for such items, but an association must
1481 reserve the amount of deferred maintenance expense, if any,
1482 which is recommended by the structural integrity reserve study
1483 for such items. The association may adjust replacement reserve
1484 assessments annually to take into account an inflation
1485 adjustment and any changes in estimates or extension of the
1486 useful life of a reserve item caused by deferred maintenance.
1487 The members of a unit-owner-controlled association may
1488 determine, by a majority vote of the total voting interests of
1489 the association, to provide no reserves or less reserves than
1490 required by this subsection. For a budget adopted on or after
1491 December 31, 2024, the members of a unit-owner-controlled
1492 association that must obtain a structural integrity reserve
1493 study may not determine to provide no reserves or less reserves
1494 than required by this subsection for items listed in paragraph
1495 (g), except that members of an association operating a
1496 multicondominium may determine to provide no reserves or less
1497 reserves than required by this subsection if an alternative
1498 funding method has been approved by the division. If the local
1499 building official, as defined in s. 468.603, determines that the
1500 entire condominium building is uninhabitable due to a natural

1501 emergency, as defined in s. 252.34, the board, upon the approval
1502 of a majority of its members, may pause the contribution to its
1503 reserves or reduce reserve funding until the local building
1504 official determines that the condominium building is habitable.
1505 Any reserve account funds held by the association may be
1506 expended, pursuant to the board's determination, to make the
1507 condominium building and its structures habitable. Upon the
1508 determination by the local building official that the
1509 condominium building is habitable, the association must
1510 immediately resume contributing funds to its reserves.

1511 b. Before turnover of control of an association by a
1512 developer to unit owners other than a developer under s.
1513 718.301, the developer-controlled association may not vote to
1514 waive the reserves or reduce funding of the reserves. If a
1515 meeting of the unit owners has been called to determine whether
1516 to waive or reduce the funding of reserves and no such result is
1517 achieved or a quorum is not attained, the reserves included in
1518 the budget shall go into effect. After the turnover, the
1519 developer may vote its voting interest to waive or reduce the
1520 funding of reserves.

1521 3. Reserve funds and any interest accruing thereon shall
1522 remain in the reserve account or accounts, and may be used only
1523 for authorized reserve expenditures unless their use for other
1524 purposes is approved in advance by a majority vote of all the
1525 total voting interests of the association. Before turnover of

1526 control of an association by a developer to unit owners other
1527 than the developer pursuant to s. 718.301, the developer-
1528 controlled association may not vote to use reserves for purposes
1529 other than those for which they were intended. For a budget
1530 adopted on or after December 31, 2024, members of a unit-owner-
1531 controlled association that must obtain a structural integrity
1532 reserve study may not vote to use reserve funds, or any interest
1533 accruing thereon, for any other purpose other than the
1534 replacement or deferred maintenance costs of the components
1535 listed in paragraph (g).

1536 4. The only voting interests that are eligible to vote on
1537 questions that involve waiving or reducing the funding of
1538 reserves, or using existing reserve funds for purposes other
1539 than purposes for which the reserves were intended, are the
1540 voting interests of the units subject to assessment to fund the
1541 reserves in question. Proxy questions relating to waiving or
1542 reducing the funding of reserves or using existing reserve funds
1543 for purposes other than purposes for which the reserves were
1544 intended must contain the following statement in capitalized,
1545 bold letters in a font size larger than any other used on the
1546 face of the proxy ballot: WAIVING OF RESERVES, IN WHOLE OR IN
1547 PART, OR ALLOWING ALTERNATIVE USES OF EXISTING RESERVES MAY
1548 RESULT IN UNIT OWNER LIABILITY FOR PAYMENT OF UNANTICIPATED
1549 SPECIAL ASSESSMENTS REGARDING THOSE ITEMS.

1550 (g) *Structural integrity reserve study.*—

1551 1. A residential condominium association must have a
1552 structural integrity reserve study completed at least every 10
1553 years after the condominium's creation for each building on the
1554 condominium property that is three stories or higher in height,
1555 as determined by the Florida Building Code, which includes, at a
1556 minimum, a study of the following items as related to the
1557 structural integrity and safety of the building:

1558 a. Roof.

1559 b. Structure, including load-bearing walls and other
1560 primary structural members and primary structural systems as
1561 those terms are defined in s. 627.706.

1562 c. Fireproofing and fire protection systems.

1563 d. Plumbing.

1564 e. Electrical systems.

1565 f. Waterproofing and exterior painting.

1566 g. Windows and exterior doors.

1567 h. Any other item that has a deferred maintenance expense
1568 or replacement cost that exceeds \$10,000 and the failure to
1569 replace or maintain such item negatively affects the items
1570 listed in sub-subparagraphs a.-g., as determined by the visual
1571 inspection portion of the structural integrity reserve study.

1572 2. A structural integrity reserve study is based on a
1573 visual inspection of the condominium property. A structural
1574 integrity reserve study may be performed by any person qualified
1575 to perform such study. However, the visual inspection portion of

1576 the structural integrity reserve study must be performed or
1577 verified by an engineer licensed under chapter 471, an architect
1578 licensed under chapter 481, or a person certified as a reserve
1579 specialist or professional reserve analyst by the Community
1580 Associations Institute or the Association of Professional
1581 Reserve Analysts.

1582 3. At a minimum, a structural integrity reserve study must
1583 identify each item of the condominium property being visually
1584 inspected, state the estimated remaining useful life and the
1585 estimated replacement cost or deferred maintenance expense of
1586 each item of the condominium property being visually inspected,
1587 and provide a reserve funding schedule with a recommended annual
1588 reserve amount that achieves the estimated replacement cost or
1589 deferred maintenance expense of each item of condominium
1590 property being visually inspected by the end of the estimated
1591 remaining useful life of the item. The structural integrity
1592 reserve study may recommend that reserves do not need to be
1593 maintained for any item for which an estimate of useful life and
1594 an estimate of replacement cost cannot be determined, or the
1595 study may recommend a deferred maintenance expense amount for
1596 such item. The structural integrity reserve study may recommend
1597 that reserves for replacement costs do not need to be maintained
1598 for any item with an estimated remaining useful life of greater
1599 than 25 years, but the study may recommend a deferred
1600 maintenance expense amount for such item.

1601 4. This paragraph does not apply to buildings less than
1602 three stories in height; single-family, two-family, or three-
1603 family dwellings with three or fewer habitable stories above
1604 ground; any portion or component of a building that has not been
1605 submitted to the condominium form of ownership; or any portion
1606 or component of a building that is maintained by a party other
1607 than the association.

1608 5. Before a developer turns over control of an association
1609 to unit owners other than the developer, the developer must have
1610 a turnover inspection report in compliance with s. 718.301(4)(p)
1611 and (q) for each building on the condominium property that is
1612 three stories or higher in height.

1613 6. Associations existing on or before July 1, 2022, which
1614 are controlled by unit owners other than the developer, must
1615 have a structural integrity reserve study completed by December
1616 31, 2024, for each building on the condominium property that is
1617 three stories or higher in height. An association that is
1618 required to complete a milestone inspection in accordance with
1619 s. 553.899 on or before December 31, 2026, may complete the
1620 structural integrity reserve study simultaneously with the
1621 milestone inspection. In no event may the structural integrity
1622 reserve study be completed after December 31, 2026.

1623 7. If the milestone inspection required by s. 553.899, or
1624 an inspection completed for a similar local requirement, was
1625 performed within the past 5 years and meets the requirements of

1626 | this paragraph, such inspection may be used in place of the
1627 | visual inspection portion of the structural integrity reserve
1628 | study.

1629 | 8. If the officers or directors of an association
1630 | willfully and knowingly fail to complete a structural integrity
1631 | reserve study pursuant to this paragraph, such failure is a
1632 | breach of an officer's and director's fiduciary relationship to
1633 | the unit owners under s. 718.111(1).

1634 | 9. Within 45 days after receiving the structural integrity
1635 | reserve study, the association must distribute a copy of the
1636 | study to each unit owner or deliver to each unit owner a notice
1637 | that the completed study is available for inspection and copying
1638 | upon a written request. Distribution of a copy of the study or
1639 | notice must be made by United States mail or personal delivery
1640 | to the mailing address, property address, or any other address
1641 | of the owner provided to fulfill the association's notice
1642 | requirements under this chapter, or by electronic transmission
1643 | to the e-mail address or facsimile number provided to fulfill
1644 | the association's notice requirements to unit owners who
1645 | previously consented to receive notice by electronic
1646 | transmission.

1647 | (q) *Director or officer offenses.*—

1648 | 1. A director or an officer charged by information or
1649 | indictment with any of the following crimes must be removed from
1650 | office:

1651 a. Forgery, as provided in s. 831.01, of a ballot envelope
1652 or voting certificate used in a condominium association
1653 election.

1654 b. Theft, as provided in s. 812.014, or embezzlement
1655 involving the association's funds or property.

1656 c. Destruction of, or the refusal to allow inspection or
1657 copying of, an official record of a condominium association
1658 which is accessible to unit owners within the time periods
1659 required by general law, in furtherance of any crime. Such act
1660 constitutes tampering with physical evidence as provided in s.
1661 918.13.

1662 d. Obstruction of justice under chapter 843.

1663 2. The board shall fill the vacancy in accordance with
1664 paragraph (2) (d) a felony theft or embezzlement offense
1665 involving the association's funds or property must be removed
1666 from office, creating a vacancy in the office to be filled
1667 according to law until the end of the period of the suspension
1668 or the end of the director's term of office, whichever occurs
1669 first. While such director or officer has such criminal charge
1670 pending, he or she may not be appointed or elected to a position
1671 as a director or officer of any association and may not have
1672 access to the official records of any association, except
1673 pursuant to a court order. However, if the charges are resolved
1674 without a finding of guilt, the director or officer shall be
1675 reinstated for the remainder of his or her term of office, if

1676 any.

1677 (r) Fraudulent voting activities relating to association
1678 elections; penalties.-

1679 1. A person who engages in the following acts of
1680 fraudulent voting activity relating to association elections
1681 commits a misdemeanor of the first degree, punishable as
1682 provided in s. 775.082 or s. 775.083:

1683 a. Willfully and falsely swearing to or affirming an oath
1684 or affirmation, or willfully procuring another person to falsely
1685 swear to or affirm an oath or affirmation, in connection with or
1686 arising out of voting activities.

1687 b. Perpetrating or attempting to perpetrate, or aiding in
1688 the perpetration of, fraud in connection with a vote cast, to be
1689 cast, or attempted to be cast.

1690 c. Preventing a member from voting or preventing a member
1691 from voting as he or she intended by fraudulently changing or
1692 attempting to change a ballot, ballot envelope, vote, or voting
1693 certificate of the member.

1694 d. Menacing, threatening, or using bribery or any other
1695 corruption to attempt, directly or indirectly, to influence,
1696 deceive, or deter a member when the member is voting.

1697 e. Giving or promising, directly or indirectly, anything
1698 of value to another member with the intent to buy the vote of
1699 that member or another member or to corruptly influence that
1700 member or another member in casting his or her vote. This sub-

1701 subparagraph does not apply to any food served which is to be
1702 consumed at an election rally or a meeting or to any item of
1703 nominal value which is used as an election advertisement,
1704 including a campaign message designed to be worn by a member.

1705 f. Using or threatening to use, directly or indirectly,
1706 force, violence, or intimidation or any tactic of coercion or
1707 intimidation to induce or compel a member to vote or refrain
1708 from voting in an election or on a particular ballot measure.

1709 2. Each of the following acts constitutes a misdemeanor of
1710 the first degree, punishable as provided in s. 775.082 or s.
1711 775.083:

1712 a. Knowingly aiding, abetting, or advising a person in the
1713 commission of a fraudulent voting activity related to
1714 association elections.

1715 b. Agreeing, conspiring, combining, or confederating with
1716 at least one other person to commit a fraudulent voting activity
1717 related to association elections.

1718 c. Having knowledge of a fraudulent voting activity
1719 related to association elections and giving any aid to the
1720 offender with intent that the offender avoid or escape
1721 detection, arrest, trial, or punishment. This sub-subparagraph
1722 does not apply to a licensed attorney giving legal advice to a
1723 client.

1724 Section 9. Subsection (5) of section 718.113, Florida
1725 Statutes, is amended to read:

1726 718.113 Maintenance; limitation upon improvement; display
 1727 of flag; hurricane ~~shutters and~~ protection; display of religious
 1728 decorations.-

1729 (5) To protect the health, safety, and welfare of the
 1730 people of the state and to ensure uniformity and consistency in
 1731 the hurricane protections installed by condominium associations
 1732 and unit owners, this subsection applies to all residential and
 1733 mixed-use condominiums in the state, regardless of when the
 1734 condominium is created pursuant to the declaration of
 1735 condominium. Each board of administration of a residential
 1736 condominium or mixed-use condominium must ~~shall~~ adopt hurricane
 1737 protection shutter specifications for each building within each
 1738 condominium operated by the association which may ~~shall~~ include
 1739 color, style, and other factors deemed relevant by the board.
 1740 All specifications adopted by the board must comply with the
 1741 applicable building code. The installation, maintenance, repair,
 1742 replacement, and operation of hurricane protection in accordance
 1743 with this subsection is not considered a material alteration or
 1744 substantial addition to the common elements or association
 1745 property within the meaning of this section.

1746 (a) The board may, subject to s. 718.3026 and the approval
 1747 of a majority of voting interests of the residential condominium
 1748 or mixed-use condominium, install or require that unit owners
 1749 install hurricane ~~shutters, impact glass, code-compliant windows~~
 1750 ~~or doors, or other types of code-compliant hurricane protection~~

1751 that complies ~~comply~~ with or exceeds ~~exceed~~ the applicable
1752 building code. A vote of the unit owners to require the
1753 installation of hurricane protection must be set forth in a
1754 certificate attesting to such vote and include the date that the
1755 hurricane protection must be installed. The board must record
1756 the certificate in the public records of the county in which the
1757 condominium is located. Once the certificate is recorded, the
1758 board must mail or hand deliver a copy of the recorded
1759 certificate to the unit owners at the owners' addresses, as
1760 reflected in the records of the association. The board may
1761 provide to unit owners who previously consented to receive
1762 notice by electronic transmission a copy of the recorded
1763 certificate by electronic transmission. The failure to record
1764 the certificate or send a copy of the recorded certificate to
1765 the unit owners does not affect the validity or enforceability
1766 of the vote of the unit owners. However, A vote of the unit
1767 owners under this paragraph is not required if the installation,
1768 maintenance, repair, and replacement of the hurricane shutters,
1769 ~~impact glass, code-compliant windows or doors, or other types of~~
1770 ~~code-compliant hurricane protection,~~ or any exterior windows,
1771 doors, or other apertures protected by the hurricane protection,
1772 is ~~are~~ the responsibility of the association pursuant to the
1773 declaration of condominium as originally recorded or as amended,
1774 or if the unit owners are required to install hurricane
1775 protection pursuant to the declaration of condominium as

1776 originally recorded or as amended. If hurricane protection ~~or~~
1777 ~~laminated glass or window film architecturally designed to~~
1778 ~~function as hurricane protection~~ that complies with or exceeds
1779 the current applicable building code has been previously
1780 installed, the board may not install the same type of hurricane
1781 ~~shutters, impact glass, code-compliant windows or doors, or~~
1782 ~~other types of code-compliant~~ hurricane protection or require
1783 that unit owners install the same type of hurricane protection
1784 unless the installed hurricane protection has reached the end of
1785 its useful life or unless it is necessary to prevent damage to
1786 the common elements or to a unit ~~except upon approval by a~~
1787 ~~majority vote of the voting interests.~~

1788 ~~(b) The association is responsible for the maintenance,~~
1789 ~~repair, and replacement of the hurricane shutters, impact glass,~~
1790 ~~code-compliant windows or doors, or other types of code-~~
1791 ~~compliant hurricane protection authorized by this subsection if~~
1792 ~~such property is the responsibility of the association pursuant~~
1793 ~~to the declaration of condominium. If the hurricane shutters,~~
1794 ~~impact glass, code-compliant windows or doors, or other types of~~
1795 ~~code-compliant hurricane protection are the responsibility of~~
1796 ~~the unit owners pursuant to the declaration of condominium, the~~
1797 ~~maintenance, repair, and replacement of such items are the~~
1798 ~~responsibility of the unit owner.~~

1799 ~~(b)(c) The board may operate shutters, impact glass, code-~~
1800 ~~compliant windows or doors, or other types of code-compliant~~

1801 hurricane protection ~~installed pursuant to this subsection~~
 1802 without permission of the unit owners only if such operation is
 1803 necessary to preserve and protect the condominium property or
 1804 and association property. ~~The installation, replacement,~~
 1805 ~~operation, repair, and maintenance of such shutters, impact~~
 1806 ~~glass, code-compliant windows or doors, or other types of code-~~
 1807 ~~compliant hurricane protection in accordance with the procedures~~
 1808 ~~set forth in this paragraph are not a material alteration to the~~
 1809 ~~common elements or association property within the meaning of~~
 1810 ~~this section.~~

1811 (c)-(d) Notwithstanding any other provision in the
 1812 residential condominium or mixed-use condominium documents, if
 1813 approval is required by the documents, a board may not refuse to
 1814 approve the installation or replacement of ~~hurricane shutters,~~
 1815 ~~impact glass, code-compliant windows or doors, or other types of~~
 1816 ~~code-compliant~~ hurricane protection by a unit owner which
 1817 conforms ~~conforming~~ to the specifications adopted by the board.
 1818 However, a board may require the unit owner to adhere to an
 1819 existing unified building scheme regarding the external
 1820 appearance of the condominium.

1821 (d) A unit owner is not responsible for the cost of any
 1822 removal or reinstallation of hurricane protection, including
 1823 exterior windows, doors, or other apertures, if its removal is
 1824 necessary for the maintenance, repair, or replacement of other
 1825 condominium property or association property for which the

1826 association is responsible. The board shall determine if the
 1827 removal or reinstallation of hurricane protection must be
 1828 completed by the unit owner or the association. If such removal
 1829 or reinstallation is completed by the association, the costs
 1830 incurred by the association may not be charged to the unit
 1831 owner. If such removal or reinstallation is completed by the
 1832 unit owner, the association must reimburse the unit owner for
 1833 the cost of the removal or reinstallation or the association
 1834 must apply a credit toward future assessments in the amount of
 1835 the unit owner's cost to remove or reinstall the hurricane
 1836 protection.

1837 (e) If the removal or reinstallation of hurricane
 1838 protection, including exterior windows, doors, or other
 1839 apertures, is the responsibility of the unit owner and the
 1840 association completes such removal or reinstallation and then
 1841 charges the unit owner for such removal or reinstallation, such
 1842 charges are enforceable as an assessment and may be collected in
 1843 the manner provided under s. 718.116.

1844 Section 10. Paragraph (e) of subsection (1) of section
 1845 718.115, Florida Statutes, is amended to read:

1846 718.115 Common expenses and common surplus.—

1847 (1)

1848 (e)1. Except as provided in s. 718.113(5) (d), ~~The expense~~
 1849 ~~of installation, replacement, operation, repair, and maintenance~~
 1850 ~~of hurricane shutters, impact glass, code-compliant windows or~~

1851 ~~doors, or other types of code-compliant hurricane protection by~~
1852 ~~the board pursuant to s. 718.113(5) constitutes a common expense~~
1853 ~~and shall be collected as provided in this section if the~~
1854 ~~association is responsible for the maintenance, repair, and~~
1855 ~~replacement of the hurricane shutters, impact glass, code-~~
1856 ~~compliant windows or doors, or other types of code-compliant~~
1857 ~~hurricane protection pursuant to the declaration of condominium.~~
1858 ~~However,~~ if the installation of maintenance, repair, and
1859 ~~replacement of the hurricane shutters, impact glass, code-~~
1860 ~~compliant windows or doors, or other types of code-compliant~~
1861 hurricane protection is ~~are~~ the responsibility of the unit
1862 owners pursuant to the declaration of condominium or a vote of
1863 the unit owners under s. 718.113(5), the cost of the
1864 installation of ~~the hurricane shutters, impact glass, code-~~
1865 ~~compliant windows or doors, or other types of code-compliant~~
1866 hurricane protection by the association is not a common expense
1867 and must ~~shall~~ be charged individually to the unit owners based
1868 on the cost of installation of ~~the hurricane shutters, impact~~
1869 ~~glass, code-compliant windows or doors, or other types of code-~~
1870 ~~compliant~~ hurricane protection appurtenant to the unit. The
1871 costs of installation of hurricane protection are enforceable as
1872 an assessment and may be collected in the manner provided under
1873 s. 718.116.

1874 2. Notwithstanding s. 718.116(9), and regardless of
1875 whether ~~or not~~ the declaration requires the association or unit

1876 owners to install, maintain, repair, or replace hurricane
 1877 ~~shutters, impact glass, code-compliant windows or doors, or~~
 1878 ~~other types of code-compliant hurricane protection, the a unit~~
 1879 owner of a unit in which ~~who has previously installed hurricane~~
 1880 ~~shutters in accordance with s. 718.113(5) that comply with the~~
 1881 ~~current applicable building code shall receive a credit when the~~
 1882 ~~shutters are installed; a unit owner who has previously~~
 1883 ~~installed impact glass or code-compliant windows or doors that~~
 1884 ~~comply with the current applicable building code shall receive a~~
 1885 ~~credit when the impact glass or code-compliant windows or doors~~
 1886 ~~are installed; and a unit owner who has installed other types of~~
 1887 ~~code-compliant hurricane protection that~~ complies ~~comply~~ with
 1888 the current applicable building code has been installed is
 1889 excused from any assessment levied by the association or shall
 1890 receive a credit if ~~when~~ the same type of ~~other code-compliant~~
 1891 hurricane protection is installed by the association. A credit
 1892 is applicable if the installation of hurricane protection is for
 1893 all other units that do not have hurricane protection and the
 1894 cost of such installation is funded by the association's budget,
 1895 including the use of reserve funds. The credit must be equal to
 1896 the amount that the unit owner would have been assessed to
 1897 install the hurricane protection, ~~and the credit shall be equal~~
 1898 ~~to the pro rata portion of the assessed installation cost~~
 1899 ~~assigned to each unit. However, such unit owner remains~~
 1900 responsible for the pro rata share of expenses for hurricane

1901 ~~shutters, impact glass, code-compliant windows or doors, or~~
 1902 ~~other types of code-compliant~~ hurricane protection installed on
 1903 common elements and association property by the board pursuant
 1904 to s. 718.113(5) and remains responsible for a pro rata share of
 1905 the expense of the replacement, operation, repair, and
 1906 maintenance of such ~~shutters, impact glass, code-compliant~~
 1907 ~~windows or doors, or other types of code-compliant~~ hurricane
 1908 protection. Expenses for the installation, replacement,
 1909 operation, repair, or maintenance of hurricane protection on
 1910 common elements and association property are common expenses.

1911 Section 11. Paragraph (a) of subsection (4) of section
 1912 718.121, Florida Statutes, is amended to read:

1913 718.121 Liens.—

1914 (4) (a) If an association sends out an invoice for
 1915 assessments or a unit's statement of the account described in s.
 1916 718.111(12)(a)11.c. ~~s. 718.111(12)(a)11.b.~~, the invoice for
 1917 assessments or the unit's statement of account must be delivered
 1918 to the unit owner by first-class United States mail or by
 1919 electronic transmission to the unit owner's e-mail address
 1920 maintained in the association's official records.

1921 Section 12. Section 718.1224, Florida Statutes, is amended
 1922 to read:

1923 718.1224 Prohibition against SLAPP suits; other prohibited
 1924 actions.—

1925 (1) It is the intent of the Legislature to protect the

1926 right of condominium unit owners to exercise their rights to
 1927 instruct their representatives and petition for redress of
 1928 grievances before their condominium association and the various
 1929 governmental entities of this state as protected by the First
 1930 Amendment to the United States Constitution and s. 5, Art. I of
 1931 the State Constitution. The Legislature recognizes that
 1932 strategic lawsuits against public participation, or "SLAPP
 1933 suits," as they are typically referred to, have occurred when
 1934 association members are sued by condominium associations,
 1935 individuals, business entities, or governmental entities arising
 1936 out of a condominium unit owner's appearance and presentation
 1937 before the board of the condominium association or a
 1938 governmental entity on matters related to the condominium
 1939 association. However, it is the public policy of this state that
 1940 condominium associations, governmental entities, business
 1941 organizations, and individuals not engage in SLAPP suits,
 1942 because such actions are inconsistent with the right of
 1943 condominium unit owners to participate in their condominium
 1944 association and in the state's institutions of government.
 1945 Therefore, the Legislature finds and declares that prohibiting
 1946 such lawsuits by condominium associations, governmental
 1947 entities, business entities, and individuals against condominium
 1948 unit owners who address matters concerning their condominium
 1949 association will preserve this fundamental state policy,
 1950 preserve the constitutional rights of condominium unit owners,

1951 ~~and~~ ensure the continuation of representative government in this
1952 state, and ensure unit owner participation in condominium
1953 associations. It is the intent of the Legislature that such
1954 lawsuits be expeditiously disposed of by the courts. As used in
1955 this subsection, the term "governmental entity" means the state,
1956 including the executive, legislative, and judicial branches of
1957 government; law enforcement agencies; the independent
1958 establishments of the state, counties, municipalities,
1959 districts, authorities, boards, or commissions; or any agencies
1960 of these branches that are subject to chapter 286.

1961 (2) A condominium association, governmental entity,
1962 business organization, or individual in this state may not file
1963 or cause to be filed through its employees or agents any
1964 lawsuit, cause of action, claim, cross-claim, or counterclaim
1965 against a condominium unit owner without merit and solely
1966 because such condominium unit owner has exercised the right to
1967 instruct his or her representatives or the right to petition for
1968 redress of grievances before the condominium association or the
1969 various governmental entities of this state, as protected by the
1970 First Amendment to the United States Constitution and s. 5, Art.
1971 I of the State Constitution.

1972 (3) It is unlawful for a condominium association to fine,
1973 discriminatorily increase a unit owner's assessments,
1974 discriminatorily decrease services to a unit owner, or bring or
1975 threaten to bring an action for possession or other civil

1976 action, including a defamation, libel, slander, or tortious
 1977 interference action, based on conduct described in this
 1978 subsection. In order for the unit owner to raise the defense of
 1979 retaliatory conduct, the unit owner must have acted in good
 1980 faith and not for any improper purposes, such as to harass or to
 1981 cause unnecessary delay or for frivolous purpose or needless
 1982 increase in the cost of litigation. Examples of conduct for
 1983 which a condominium association, an officer, a director, or an
 1984 agent of an association may not retaliate include, but are not
 1985 limited to, situations in which:

1986 (a) The unit owner has in good faith complained to a
 1987 governmental agency charged with responsibility for enforcement
 1988 of a building, housing, or health code of a suspected violation
 1989 applicable to the condominium;

1990 (b) The unit owner has organized, encouraged, or
 1991 participated in a unit owners' organization;

1992 (c) The unit owner submitted information or filed a
 1993 complaint alleging criminal violations or violations of this
 1994 chapter or the rules of the division with the division, the
 1995 Office of the Condominium Ombudsman, a law enforcement agency, a
 1996 state attorney, the Attorney General, or any other governmental
 1997 agency;

1998 (d) The unit owner has exercised his or her rights under
 1999 this chapter;

2000 (e) The unit owner has complained to the association or

2001 any of the association's representatives for the failure to
 2002 comply with this chapter or chapter 617; or
 2003 (f) The unit owner has made public statements critical of
 2004 the operation or management of the association.
 2005 (4) Evidence of retaliatory conduct may be raised by the
 2006 unit owner as a defense in any action brought against him or her
 2007 for possession.
 2008 (5)-(3) A condominium unit owner sued by a condominium
 2009 association, governmental entity, business organization, or
 2010 individual in violation of this section has a right to an
 2011 expeditious resolution of a claim that the suit is in violation
 2012 of this section. A condominium unit owner may petition the court
 2013 for an order dismissing the action or granting final judgment in
 2014 favor of that condominium unit owner. The petitioner may file a
 2015 motion for summary judgment, together with supplemental
 2016 affidavits, seeking a determination that the condominium
 2017 association's, governmental entity's, business organization's,
 2018 or individual's lawsuit has been brought in violation of this
 2019 section. The condominium association, governmental entity,
 2020 business organization, or individual shall thereafter file its
 2021 response and any supplemental affidavits. As soon as
 2022 practicable, the court shall set a hearing on the petitioner's
 2023 motion, which shall be held at the earliest possible time after
 2024 the filing of the condominium association's, governmental
 2025 entity's, business organization's, or individual's response. The

2026 | court may award the condominium unit owner sued by the
 2027 | condominium association, governmental entity, business
 2028 | organization, or individual actual damages arising from the
 2029 | condominium association's, governmental entity's, individual's,
 2030 | or business organization's violation of this section. A court
 2031 | may treble the damages awarded to a prevailing condominium unit
 2032 | owner and shall state the basis for the treble damages award in
 2033 | its judgment. The court shall award the prevailing party
 2034 | reasonable attorney's fees and costs incurred in connection with
 2035 | a claim that an action was filed in violation of this section.

2036 | ~~(6)-(4)~~ Condominium associations may not expend association
 2037 | funds in prosecuting a SLAPP suit against a condominium unit
 2038 | owner.

2039 | (7) Condominium associations may not expend association
 2040 | funds in support of a defamation, libel, slander, or tortious
 2041 | interference action against a unit owner or any other claim
 2042 | against a unit owner based on conduct described in subsection
 2043 | (3).

2044 | Section 13. Paragraph (p) of subsection (4) of section
 2045 | 718.301, Florida Statutes, is amended to read:

2046 | 718.301 Transfer of association control; claims of defect
 2047 | by association.—

2048 | (4) At the time that unit owners other than the developer
 2049 | elect a majority of the members of the board of administration
 2050 | of an association, the developer shall relinquish control of the

2051 association, and the unit owners shall accept control.
 2052 Simultaneously, or for the purposes of paragraph (c) not more
 2053 than 90 days thereafter, the developer shall deliver to the
 2054 association, at the developer's expense, all property of the
 2055 unit owners and of the association which is held or controlled
 2056 by the developer, including, but not limited to, the following
 2057 items, if applicable, as to each condominium operated by the
 2058 association:

2059 (p) Notwithstanding when the certificate of occupancy was
 2060 issued or the height of the building, a turnover inspection
 2061 report included in the official records, under seal of an
 2062 architect or engineer authorized to practice in this state or a
 2063 person certified as a reserve specialist or professional reserve
 2064 analyst by the Community Associations Institute or the
 2065 Association of Professional Reserve Analysts, and consisting of
 2066 a structural integrity reserve study attesting to required
 2067 maintenance, condition, useful life, and replacement costs of
 2068 the following applicable condominium property:

- 2069 1. Roof.
- 2070 2. Structure, including load-bearing walls and primary
 2071 structural members and primary structural systems as those terms
 2072 are defined in s. 627.706.
- 2073 3. Fireproofing and fire protection systems.
- 2074 4. Plumbing.
- 2075 5. Electrical systems.

2076 6. Waterproofing and exterior painting.

2077 7. Windows and exterior doors.

2078 Section 14. Subsections (4) and (5) of section 718.3027,
 2079 Florida Statutes, are amended to read:

2080 718.3027 Conflicts of interest.—

2081 (4) A director or an officer, or a relative of a director
 2082 or an officer, who is a party to, or has an interest in, an
 2083 activity that is a possible conflict of interest, as described
 2084 in subsection (1), may attend the meeting at which the activity
 2085 is considered by the board and is authorized to make a
 2086 presentation to the board regarding the activity. After the
 2087 presentation, the director or officer, and any ~~or the~~ relative
 2088 of the director or officer, must leave the meeting during the
 2089 discussion of, and the vote on, the activity. A director or an
 2090 officer who is a party to, or has an interest in, the activity
 2091 must recuse himself or herself from the vote. The attendance of
 2092 a director or an officer with a possible conflict of interest at
 2093 the meeting of the board is sufficient to constitute a quorum
 2094 for the meeting and the vote in his or her absence on the
 2095 proposed activity.

2096 (5) A contract entered into between a director or an
 2097 officer, or a relative of a director or an officer, and the
 2098 association, which is not a timeshare condominium association,
 2099 that has not been properly disclosed as a conflict of interest
 2100 or potential conflict of interest as required by this section or

2101 s. 617.0832 ~~s. 718.111(12)(g)~~ is voidable and terminates upon
2102 the filing of a written notice terminating the contract with the
2103 board of directors which contains the consent of at least 20
2104 percent of the voting interests of the association.

2105 Section 15. Subsection (5) of section 718.303, Florida
2106 Statutes, is amended to read:

2107 718.303 Obligations of owners and occupants; remedies.—

2108 (5) An association may suspend the voting rights of a unit
2109 owner or member due to nonpayment of any fee, fine, or other
2110 monetary obligation due to the association which is more than
2111 \$1,000 and more than 90 days delinquent. Proof of such
2112 obligation must be provided to the unit owner or member 30 days
2113 before such suspension takes effect. At least 90 days before an
2114 election, an association must notify a unit owner or member that
2115 his or her voting rights may be suspended due to a nonpayment of
2116 a fee or other monetary obligation. A voting interest or consent
2117 right allocated to a unit owner or member which has been
2118 suspended by the association shall be subtracted from the total
2119 number of voting interests in the association, which shall be
2120 reduced by the number of suspended voting interests when
2121 calculating the total percentage or number of all voting
2122 interests available to take or approve any action, and the
2123 suspended voting interests shall not be considered for any
2124 purpose, including, but not limited to, the percentage or number
2125 of voting interests necessary to constitute a quorum, the

2126 percentage or number of voting interests required to conduct an
 2127 election, or the percentage or number of voting interests
 2128 required to approve an action under this chapter or pursuant to
 2129 the declaration, articles of incorporation, or bylaws. The
 2130 suspension ends upon full payment of all obligations currently
 2131 due or overdue the association. The notice and hearing
 2132 requirements under subsection (3) do not apply to a suspension
 2133 imposed under this subsection.

2134 Section 16. Subsections (1) and (2) of section 718.501,
 2135 Florida Statutes, are amended to read:

2136 718.501 Authority, responsibility, and duties of Division
 2137 of Florida Condominiums, Timeshares, and Mobile Homes.—

2138 (1) The division may enforce and ensure compliance with
 2139 this chapter and rules relating to the development,
 2140 construction, sale, lease, ownership, operation, and management
 2141 of residential condominium units and complaints related to the
 2142 procedural completion of milestone inspections under s. 553.899.
 2143 In performing its duties, the division has complete jurisdiction
 2144 to investigate complaints and enforce compliance with respect to
 2145 associations that are still under developer control or the
 2146 control of a bulk assignee or bulk buyer pursuant to part VII of
 2147 this chapter and complaints against developers, bulk assignees,
 2148 or bulk buyers involving improper turnover or failure to
 2149 turnover, pursuant to s. 718.301. However, after turnover has
 2150 occurred, the division has jurisdiction to investigate

2151 complaints alleging violations of this chapter or any rule or
2152 order hereunder ~~related only to financial issues, elections, and~~
2153 ~~the maintenance of and unit owner access to association records~~
2154 ~~under s. 718.111(12), and the procedural completion of~~
2155 ~~structural integrity reserve studies under s. 718.112(2)(g).~~

2156 (a)1. The division may make necessary public or private
2157 investigations within or outside this state to determine whether
2158 any person has violated this chapter or any rule or order
2159 hereunder, to aid in the enforcement of this chapter, or to aid
2160 in the adoption of rules or forms.

2161 2. The division may submit any official written report,
2162 worksheet, or other related paper, or a duly certified copy
2163 thereof, compiled, prepared, drafted, or otherwise made by and
2164 duly authenticated by a financial examiner or analyst to be
2165 admitted as competent evidence in any hearing in which the
2166 financial examiner or analyst is available for cross-examination
2167 and attests under oath that such documents were prepared as a
2168 result of an examination or inspection conducted pursuant to
2169 this chapter.

2170 (b) The division may require or permit any person to file
2171 a statement in writing, under oath or otherwise, as the division
2172 determines, as to the facts and circumstances concerning a
2173 matter to be investigated.

2174 (c) For the purpose of any investigation under this
2175 chapter, the division director or any officer or employee

2176 designated by the division director may administer oaths or
2177 affirmations, subpoena witnesses and compel their attendance,
2178 take evidence, and require the production of any matter which is
2179 relevant to the investigation, including the existence,
2180 description, nature, custody, condition, and location of any
2181 books, documents, or other tangible things and the identity and
2182 location of persons having knowledge of relevant facts or any
2183 other matter reasonably calculated to lead to the discovery of
2184 material evidence. Upon the failure by a person to obey a
2185 subpoena or to answer questions propounded by the investigating
2186 officer and upon reasonable notice to all affected persons, the
2187 division may apply to the circuit court for an order compelling
2188 compliance.

2189 (d) Notwithstanding any remedies available to unit owners
2190 and associations, if the division has reasonable cause to
2191 believe that a violation of any provision of this chapter or
2192 related rule has occurred, the division may institute
2193 enforcement proceedings in its own name against any developer,
2194 bulk assignee, bulk buyer, association, officer, or member of
2195 the board of administration, or its assignees or agents, as
2196 follows:

2197 1. The division may permit a person whose conduct or
2198 actions may be under investigation to waive formal proceedings
2199 and enter into a consent proceeding whereby orders, rules, or
2200 letters of censure or warning, whether formal or informal, may

2201 be entered against the person.

2202 2. The division may issue an order requiring the
2203 developer, bulk assignee, bulk buyer, association, developer-
2204 designated officer, or developer-designated member of the board
2205 of administration, developer-designated assignees or agents,
2206 bulk assignee-designated assignees or agents, bulk buyer-
2207 designated assignees or agents, community association manager,
2208 or community association management firm to cease and desist
2209 from the unlawful practice and take such affirmative action as
2210 in the judgment of the division carry out the purposes of this
2211 chapter. If the division finds that a developer, bulk assignee,
2212 bulk buyer, association, officer, or member of the board of
2213 administration, or its assignees or agents, is violating or is
2214 about to violate any provision of this chapter, any rule adopted
2215 or order issued by the division, or any written agreement
2216 entered into with the division, and presents an immediate danger
2217 to the public requiring an immediate final order, it may issue
2218 an emergency cease and desist order reciting with particularity
2219 the facts underlying such findings. The emergency cease and
2220 desist order is effective for 90 days. If the division begins
2221 nonemergency cease and desist proceedings, the emergency cease
2222 and desist order remains effective until the conclusion of the
2223 proceedings under ss. 120.569 and 120.57.

2224 3. If a developer, bulk assignee, or bulk buyer fails to
2225 pay any restitution determined by the division to be owed, plus

2226 any accrued interest at the highest rate permitted by law,
2227 within 30 days after expiration of any appellate time period of
2228 a final order requiring payment of restitution or the conclusion
2229 of any appeal thereof, whichever is later, the division must
2230 bring an action in circuit or county court on behalf of any
2231 association, class of unit owners, lessees, or purchasers for
2232 restitution, declaratory relief, injunctive relief, or any other
2233 available remedy. The division may also temporarily revoke its
2234 acceptance of the filing for the developer to which the
2235 restitution relates until payment of restitution is made.

2236 4. The division may petition the court for appointment of
2237 a receiver or conservator. If appointed, the receiver or
2238 conservator may take action to implement the court order to
2239 ensure the performance of the order and to remedy any breach
2240 thereof. In addition to all other means provided by law for the
2241 enforcement of an injunction or temporary restraining order, the
2242 circuit court may impound or sequester the property of a party
2243 defendant, including books, papers, documents, and related
2244 records, and allow the examination and use of the property by
2245 the division and a court-appointed receiver or conservator.

2246 5. The division may apply to the circuit court for an
2247 order of restitution whereby the defendant in an action brought
2248 under subparagraph 4. is ordered to make restitution of those
2249 sums shown by the division to have been obtained by the
2250 defendant in violation of this chapter. At the option of the

2251 court, such restitution is payable to the conservator or
2252 receiver appointed under subparagraph 4. or directly to the
2253 persons whose funds or assets were obtained in violation of this
2254 chapter.

2255 6. The division may impose a civil penalty against a
2256 developer, bulk assignee, or bulk buyer, or association, or its
2257 assignee or agent, for any violation of this chapter or related
2258 rule. The division may impose a civil penalty individually
2259 against an officer or board member who willfully and knowingly
2260 violates this chapter, an adopted rule, or a final order of the
2261 division; may order the removal of such individual as an officer
2262 or from the board of administration or as an officer of the
2263 association; and may prohibit such individual from serving as an
2264 officer or on the board of a community association for a period
2265 of time. The term "willfully and knowingly" means that the
2266 division informed the officer or board member that his or her
2267 action or intended action violates this chapter, a rule adopted
2268 under this chapter, or a final order of the division and that
2269 the officer or board member refused to comply with the
2270 requirements of this chapter, a rule adopted under this chapter,
2271 or a final order of the division. The division, before
2272 initiating formal agency action under chapter 120, must afford
2273 the officer or board member an opportunity to voluntarily
2274 comply, and an officer or board member who complies within 10
2275 days is not subject to a civil penalty. A penalty may be imposed

2276 on the basis of each day of continuing violation, but the
 2277 penalty for any offense may not exceed \$5,000. The division
 2278 shall adopt, by rule, penalty guidelines applicable to possible
 2279 violations or to categories of violations of this chapter or
 2280 rules adopted by the division. The guidelines must specify a
 2281 meaningful range of civil penalties for each such violation of
 2282 the statute and rules and must be based upon the harm caused by
 2283 the violation, upon the repetition of the violation, and upon
 2284 such other factors deemed relevant by the division. For example,
 2285 the division may consider whether the violations were committed
 2286 by a developer, bulk assignee, or bulk buyer, or owner-
 2287 controlled association, the size of the association, and other
 2288 factors. The guidelines must designate the possible mitigating
 2289 or aggravating circumstances that justify a departure from the
 2290 range of penalties provided by the rules. It is the legislative
 2291 intent that minor violations be distinguished from those which
 2292 endanger the health, safety, or welfare of the condominium
 2293 residents or other persons and that such guidelines provide
 2294 reasonable and meaningful notice to the public of likely
 2295 penalties that may be imposed for proscribed conduct. This
 2296 subsection does not limit the ability of the division to
 2297 informally dispose of administrative actions or complaints by
 2298 stipulation, agreed settlement, or consent order. All amounts
 2299 collected shall be deposited with the Chief Financial Officer to
 2300 the credit of the Division of Florida Condominiums, Timeshares,

2301 and Mobile Homes Trust Fund. If a developer, bulk assignee, or
 2302 bulk buyer fails to pay the civil penalty and the amount deemed
 2303 to be owed to the association, the division shall issue an order
 2304 directing that such developer, bulk assignee, or bulk buyer
 2305 cease and desist from further operation until such time as the
 2306 civil penalty is paid or may pursue enforcement of the penalty
 2307 in a court of competent jurisdiction. If an association fails to
 2308 pay the civil penalty, the division shall pursue enforcement in
 2309 a court of competent jurisdiction, and the order imposing the
 2310 civil penalty or the cease and desist order is not effective
 2311 until 20 days after the date of such order. Any action commenced
 2312 by the division shall be brought in the county in which the
 2313 division has its executive offices or in the county in which
 2314 ~~where~~ the violation occurred.

2315 7. If a unit owner presents the division with proof that
 2316 the unit owner has requested access to official records in
 2317 writing by certified mail, and that after 10 days the unit owner
 2318 again made the same request for access to official records in
 2319 writing by certified mail, and that more than 10 days has
 2320 elapsed since the second request and the association has still
 2321 failed or refused to provide access to official records as
 2322 required by this chapter, the division shall issue a subpoena
 2323 requiring production of the requested records at the location in
 2324 which ~~where~~ the records are kept pursuant to s. 718.112. Upon
 2325 receipt of the records, the division must provide to the unit

2326 | owner who was denied access to such records the produced
2327 | official records without charge.

2328 | 8. In addition to subparagraph 6., the division may seek
2329 | the imposition of a civil penalty through the circuit court for
2330 | any violation for which the division may issue a notice to show
2331 | cause under paragraph (r). The civil penalty shall be at least
2332 | \$500 but no more than \$5,000 for each violation. The court may
2333 | also award to the prevailing party court costs and reasonable
2334 | attorney fees and, if the division prevails, may also award
2335 | reasonable costs of investigation.

2336 | (e) The division may prepare and disseminate a prospectus
2337 | and other information to assist prospective owners, purchasers,
2338 | lessees, and developers of residential condominiums in assessing
2339 | the rights, privileges, and duties pertaining thereto.

2340 | (f) The division may adopt rules to administer and enforce
2341 | this chapter.

2342 | (g) The division shall establish procedures for providing
2343 | notice to an association and the developer, bulk assignee, or
2344 | bulk buyer during the period in which the developer, bulk
2345 | assignee, or bulk buyer controls the association if the division
2346 | is considering the issuance of a declaratory statement with
2347 | respect to the declaration of condominium or any related
2348 | document governing such condominium community.

2349 | (h) The division shall furnish each association that pays
2350 | the fees required by paragraph (2)(a) a copy of this chapter, as

2351 amended, and the rules adopted thereto on an annual basis.

2352 (i) The division shall annually provide each association
2353 with a summary of declaratory statements and formal legal
2354 opinions relating to the operations of condominiums which were
2355 rendered by the division during the previous year.

2356 (j) The division shall provide training and educational
2357 programs for condominium association board members and unit
2358 owners. The training may, in the division's discretion, include
2359 web-based electronic media and live training and seminars in
2360 various locations throughout the state. The division may review
2361 and approve education and training programs for board members
2362 and unit owners offered by providers and shall maintain a
2363 current list of approved programs and providers and make such
2364 list available to board members and unit owners in a reasonable
2365 and cost-effective manner. The division shall provide to
2366 directors of the board of administration at no charge the
2367 educational curriculum required under s. 718.112(2)(d) and issue
2368 a certificate of satisfactory completion, including when the
2369 required educational curriculum is provided by a division-
2370 approved condominium education provider.

2371 (k) The division shall maintain a toll-free telephone
2372 number accessible to condominium unit owners.

2373 (l) The division shall develop a program to certify both
2374 volunteer and paid mediators to provide mediation of condominium
2375 disputes. The division shall provide, upon request, a list of

2376 such mediators to any association, unit owner, or other
2377 participant in alternative dispute resolution proceedings under
2378 s. 718.1255 requesting a copy of the list. The division shall
2379 include on the list of volunteer mediators only the names of
2380 persons who have received at least 20 hours of training in
2381 mediation techniques or who have mediated at least 20 disputes.
2382 In order to become initially certified by the division, paid
2383 mediators must be certified by the Supreme Court to mediate
2384 court cases in county or circuit courts. However, the division
2385 may adopt, by rule, additional factors for the certification of
2386 paid mediators, which must be related to experience, education,
2387 or background. Any person initially certified as a paid mediator
2388 by the division must, in order to continue to be certified,
2389 comply with the factors or requirements adopted by rule.

2390 (m) If a complaint is made, the division must conduct its
2391 inquiry with due regard for the interests of the affected
2392 parties. Within 30 days after receipt of a complaint, the
2393 division shall acknowledge the complaint in writing and notify
2394 the complainant whether the complaint is within the jurisdiction
2395 of the division and whether additional information is needed by
2396 the division from the complainant. The division shall conduct
2397 its investigation and, within 90 days after receipt of the
2398 original complaint or of timely requested additional
2399 information, take action upon the complaint. However, the
2400 failure to complete the investigation within 90 days does not

2401 prevent the division from continuing the investigation,
 2402 accepting or considering evidence obtained or received after 90
 2403 days, or taking administrative action if reasonable cause exists
 2404 to believe that a violation of this chapter or a rule has
 2405 occurred. If an investigation is not completed within the time
 2406 limits established in this paragraph, the division shall, on a
 2407 monthly basis, notify the complainant in writing of the status
 2408 of the investigation. When reporting its action to the
 2409 complainant, the division shall inform the complainant of any
 2410 right to a hearing under ss. 120.569 and 120.57. The division
 2411 may adopt rules regarding the submission of a complaint against
 2412 an association.

2413 (n) Condominium association directors, officers, and
 2414 employees; condominium developers; bulk assignees, bulk buyers,
 2415 and community association managers; and community association
 2416 management firms have an ongoing duty to reasonably cooperate
 2417 with the division in any investigation under this section. The
 2418 division shall refer to local law enforcement authorities any
 2419 person whom the division believes has altered, destroyed,
 2420 concealed, or removed any record, document, or thing required to
 2421 be kept or maintained by this chapter with the purpose to impair
 2422 its verity or availability in the department's investigation.
 2423 The division shall refer to local law enforcement authorities
 2424 any person whom the division believes has engaged in fraud,
 2425 theft, embezzlement, or other criminal activity or when the

2426 division has cause to believe that fraud, theft, embezzlement,
2427 or other criminal activity has occurred.

2428 (o) The division director or any officer or employee of
2429 the division and the condominium ombudsman or any employee of
2430 the Office of the Condominium Ombudsman may attend and observe
2431 any meeting of the board of administration or unit owner
2432 meeting, including any meeting of a subcommittee or special
2433 committee, which is open to members of the association for the
2434 purpose of performing the duties of the division or the Office
2435 of the Condominium Ombudsman under this chapter.

2436 (p)~~(e)~~ The division may:

- 2437 1. Contract with agencies in this state or other
2438 jurisdictions to perform investigative functions; or
2439 2. Accept grants-in-aid from any source.

2440 (q)~~(p)~~ The division shall cooperate with similar agencies
2441 in other jurisdictions to establish uniform filing procedures
2442 and forms, public offering statements, advertising standards,
2443 and rules and common administrative practices.

2444 (r)~~(q)~~ The division shall consider notice to a developer,
2445 bulk assignee, or bulk buyer to be complete when it is delivered
2446 to the address of the developer, bulk assignee, or bulk buyer
2447 currently on file with the division.

2448 (s)~~(r)~~ In addition to its enforcement authority, the
2449 division may issue a notice to show cause, which must provide
2450 for a hearing, upon written request, in accordance with chapter

2451 120.

2452 (t) The division shall routinely conduct random audits of
2453 condominium associations to determine compliance with the
2454 website or application requirements for official records under
2455 s. 718.111(12)(g).

2456 (u)~~(s)~~ The division shall submit to the Governor, the
2457 President of the Senate, the Speaker of the House of
2458 Representatives, and the chairs of the legislative
2459 appropriations committees an annual report that includes, but
2460 need not be limited to, the number of training programs provided
2461 for condominium association board members and unit owners, the
2462 number of complaints received by type, the number and percent of
2463 complaints acknowledged in writing within 30 days and the number
2464 and percent of investigations acted upon within 90 days in
2465 accordance with paragraph (m), and the number of investigations
2466 exceeding the 90-day requirement. The annual report must also
2467 include an evaluation of the division's core business processes
2468 and make recommendations for improvements, including statutory
2469 changes. The report shall be submitted by September 30 following
2470 the end of the fiscal year.

2471 (2)(a) Each condominium association that ~~which~~ operates
2472 more than two units shall pay to the division an annual fee in
2473 the amount of \$4 for each residential unit in condominiums
2474 operated by the association. The annual fee shall be filed
2475 together with the annual certification described in paragraph

2476 (c). If the fee is not paid by March 1, the association shall be
 2477 assessed a penalty of 10 percent of the amount due, and the
 2478 association will not have standing to maintain or defend any
 2479 action in the courts of this state until the amount due, plus
 2480 any penalty, is paid.

2481 (b) All fees shall be deposited in the Division of Florida
 2482 Condominiums, Timeshares, and Mobile Homes Trust Fund as
 2483 provided by law.

2484 (c) On the certification form provided by the division,
 2485 the directors of the association shall certify that each
 2486 director of the association has completed the written
 2487 certification and educational certificate requirements in s.
 2488 718.112(2)(d)4.b.

2489 Section 17. Subsection (2) of section 718.5011, Florida
 2490 Statutes, is amended to read:

2491 718.5011 Ombudsman; appointment; administration.—

2492 (2) The secretary of the Department of Business and
 2493 Professional Regulation ~~Governor~~ shall appoint the ombudsman.
 2494 The ombudsman ~~must be an attorney admitted to practice before~~
 2495 ~~the Florida Supreme Court and~~ shall serve at the pleasure of the
 2496 Governor. A vacancy in the office shall be filled in the same
 2497 manner as the original appointment. An officer or full-time
 2498 employee of the ombudsman's office may not actively engage in
 2499 any other business or profession that directly or indirectly
 2500 relates to or conflicts with his or her work in the ombudsman's

2501 office; serve as the representative of any political party,
 2502 executive committee, or other governing body of a political
 2503 party; serve as an executive, officer, or employee of a
 2504 political party; receive remuneration for activities on behalf
 2505 of any candidate for public office; or engage in soliciting
 2506 votes or other activities on behalf of a candidate for public
 2507 office. The ombudsman or any employee of his or her office may
 2508 not become a candidate for election to public office unless he
 2509 or she first resigns from his or her office or employment.

2510 Section 18. Paragraph (k) of subsection (1) of section
 2511 719.106, Florida Statutes, is amended to read:

2512 719.106 Bylaws; cooperative ownership.—

2513 (1) MANDATORY PROVISIONS.—The bylaws or other cooperative
 2514 documents shall provide for the following, and if they do not,
 2515 they shall be deemed to include the following:

2516 (k) *Structural integrity reserve study*.—

2517 1. A residential cooperative association must have a
 2518 structural integrity reserve study completed at least every 10
 2519 years for each building on the cooperative property that is
 2520 three stories or higher in height, as determined by the Florida
 2521 Building Code, that includes, at a minimum, a study of the
 2522 following items as related to the structural integrity and
 2523 safety of the building:

2524 a. Roof.

2525 b. Structure, including load-bearing walls and other

2526 primary structural members and primary structural systems as
 2527 those terms are defined in s. 627.706.

2528 c. Fireproofing and fire protection systems.

2529 d. Plumbing.

2530 e. Electrical systems.

2531 f. Waterproofing and exterior painting.

2532 g. Windows and exterior doors.

2533 h. Any other item that has a deferred maintenance expense
 2534 or replacement cost that exceeds \$10,000 and the failure to
 2535 replace or maintain such item negatively affects the items
 2536 listed in sub-subparagraphs a.-g., as determined by the visual
 2537 inspection portion of the structural integrity reserve study.

2538 2. A structural integrity reserve study is based on a
 2539 visual inspection of the cooperative property. A structural
 2540 integrity reserve study may be performed by any person qualified
 2541 to perform such study. However, the visual inspection portion of
 2542 the structural integrity reserve study must be performed or
 2543 verified by an engineer licensed under chapter 471, an architect
 2544 licensed under chapter 481, or a person certified as a reserve
 2545 specialist or professional reserve analyst by the Community
 2546 Associations Institute or the Association of Professional
 2547 Reserve Analysts.

2548 3. At a minimum, a structural integrity reserve study must
 2549 identify each item of the cooperative property being visually
 2550 inspected, state the estimated remaining useful life and the

2551 estimated replacement cost or deferred maintenance expense of
2552 each item of the cooperative property being visually inspected,
2553 and provide a reserve funding schedule with a recommended annual
2554 reserve amount that achieves the estimated replacement cost or
2555 deferred maintenance expense of each item of cooperative
2556 property being visually inspected by the end of the estimated
2557 remaining useful life of the item. The structural integrity
2558 reserve study may recommend that reserves do not need to be
2559 maintained for any item for which an estimate of useful life and
2560 an estimate of replacement cost cannot be determined, or the
2561 study may recommend a deferred maintenance expense amount for
2562 such item. The structural integrity reserve study may recommend
2563 that reserves for replacement costs do not need to be maintained
2564 for any item with an estimated remaining useful life of greater
2565 than 25 years, but the study may recommend a deferred
2566 maintenance expense amount for such item.

2567 4. This paragraph does not apply to buildings less than
2568 three stories in height; single-family, two-family, or three-
2569 family dwellings with three or fewer habitable stories above
2570 ground; any portion or component of a building that has not been
2571 submitted to the cooperative form of ownership; or any portion
2572 or component of a building that is maintained by a party other
2573 than the association.

2574 5. Before a developer turns over control of an association
2575 to unit owners other than the developer, the developer must have

2576 a turnover inspection report in compliance with s. 719.301(4)(p)
2577 and (q) for each building on the cooperative property that is
2578 three stories or higher in height.

2579 6. Associations existing on or before July 1, 2022, which
2580 are controlled by unit owners other than the developer, must
2581 have a structural integrity reserve study completed by December
2582 31, 2024, for each building on the cooperative property that is
2583 three stories or higher in height. An association that is
2584 required to complete a milestone inspection on or before
2585 December 31, 2026, in accordance with s. 553.899 may complete
2586 the structural integrity reserve study simultaneously with the
2587 milestone inspection. In no event may the structural integrity
2588 reserve study be completed after December 31, 2026.

2589 7. If the milestone inspection required by s. 553.899, or
2590 an inspection completed for a similar local requirement, was
2591 performed within the past 5 years and meets the requirements of
2592 this paragraph, such inspection may be used in place of the
2593 visual inspection portion of the structural integrity reserve
2594 study.

2595 8. If the officers or directors of an association
2596 willfully and knowingly fail to complete a structural integrity
2597 reserve study pursuant to this paragraph, such failure is a
2598 breach of an officer's and director's fiduciary relationship to
2599 the unit owners under s. 719.104(9).

2600 9. Within 45 days after receiving the structural integrity

2601 reserve study, the association must distribute a copy of the
2602 study to each unit owner or deliver to each unit owner a notice
2603 that the completed study is available for inspection and copying
2604 upon a written request. Distribution of a copy of the study or
2605 notice must be made by United States mail or personal delivery
2606 at the mailing address, property address, or any other address
2607 of the owner provided to fulfill the association's notice
2608 requirements under this chapter, or by electronic transmission
2609 to the e-mail address or facsimile number provided to fulfill
2610 the association's notice requirements to unit owners who
2611 previously consented to receive notice by electronic
2612 transmission.

2613 Section 19. Paragraph (p) of subsection (4) of section
2614 719.301, Florida Statutes, is amended to read:

2615 719.301 Transfer of association control.—

2616 (4) When unit owners other than the developer elect a
2617 majority of the members of the board of administration of an
2618 association, the developer shall relinquish control of the
2619 association, and the unit owners shall accept control.
2620 Simultaneously, or for the purpose of paragraph (c) not more
2621 than 90 days thereafter, the developer shall deliver to the
2622 association, at the developer's expense, all property of the
2623 unit owners and of the association held or controlled by the
2624 developer, including, but not limited to, the following items,
2625 if applicable, as to each cooperative operated by the

2626 association:

2627 (p) Notwithstanding when the certificate of occupancy was
2628 issued or the height of the building, a turnover inspection
2629 report included in the official records, under seal of an
2630 architect or engineer authorized to practice in this state or a
2631 person certified as a reserve specialist or professional reserve
2632 analyst by the Community Associations Institute or the
2633 Association of Professional Reserve Analysts, consisting of a
2634 structural integrity reserve study attesting to required
2635 maintenance, condition, useful life, and replacement costs of
2636 the following applicable cooperative property:

- 2637 1. Roof.
- 2638 2. Structure, including load-bearing walls and primary
2639 structural members and primary structural systems as those terms
2640 are defined in s. 627.706.
- 2641 3. Fireproofing and fire protection systems.
- 2642 4. Plumbing.
- 2643 5. Electrical systems.
- 2644 6. Waterproofing and exterior painting.
- 2645 7. Windows and exterior doors.

2646 Section 20. The Division of Florida Condominiums,
2647 Timeshares, and Mobile Homes of the Department of Business and
2648 Professional Regulation shall complete a review of the website
2649 or application requirements for official records under s.
2650 718.111(12)(g), Florida Statutes, and make recommendations

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2651 regarding any additional official records of a condominium
2652 association that should be included in the record maintenance
2653 requirement in the statute. The division shall submit to the
2654 Governor, the President of the Senate, the Speaker of the House
2655 of Representatives, and the chairs of the legislative
2656 appropriations committees and appropriate substantive committees
2657 with jurisdiction over chapter 718, Florida Statutes, the
2658 findings of its review by February 1, 2025.

2659 Section 21. Except as otherwise expressly provided in this
2660 act, this act shall take effect July 1, 2024.