



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 complaints  
162 relating to certain matters; requiring that the  
163 division provide official records, without charge, to  
164 a unit owner denied access; requiring the division to  
165 provide an educational curriculum free of charge and  
166 issue a certificate to directors of a board of  
167 administration; requiring that the division refer  
168 suspected criminal acts to the appropriate law  
169 enforcement authority; authorizing certain division  
170 officials to attend association meetings; requiring  
171 that the division conduct random audits of  
172 associations for specified purposes; requiring an  
173 association's annual fee be filed concurrently with  
174 the annual certification; specifying requirements for  
175 the annual certification; amending s. 718.5011, F.S.;

176 providing that the secretary of the Department of  
 177 Business and Professional Regulation, rather than the  
 178 Governor, appoints the condominium ombudsman; amending  
 179 s. 719.106, F.S.; requiring an association to  
 180 distribute or deliver copies of a structural integrity  
 181 reserve study to unit owners within a specified  
 182 timeframe; specifying the manner of distribution or  
 183 delivery; amending s. 719.301, F.S.; requiring  
 184 developers to deliver a structural integrity reserve  
 185 study to a cooperative association upon relinquishing  
 186 control of association property; requiring the  
 187 division to conduct a review of statutory requirements  
 188 regarding 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 appropriations;  
 193 providing effective dates.

194

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

196

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

199 468.4334 Professional practice standards; liability.—

200 (3) A community association manager or a community

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

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

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

236 468.4335 Conflicts of interest.-

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

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

250 (b) A community association manager or a community

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

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

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

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

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

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

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

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

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

313 468.436 Disciplinary proceedings.—

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

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

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

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

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

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

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

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

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

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

339           (a) Denial of an application for licensure.

340           (b) Revocation or suspension of a license.

341           (c) Imposition of an administrative fine not to exceed  
 342 \$5,000 for each count or separate offense.

343           (d) Issuance of a reprimand.

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

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

349           Section 4. Subsections (19) through (32) of section  
 350 718.103, Florida Statutes, are renumbered as subsections (20)

351 through (33), respectively, and a new subsection (19) is added  
 352 to that section, to read:

353 718.103 Definitions.—As used in this chapter, the term:  
 354 (19) "Hurricane protection" means hurricane shutters,  
 355 impact glass, code-compliant windows or doors, and other code-  
 356 compliant hurricane protection products used to preserve and  
 357 protect the condominium property or association property.

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

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

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

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

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

374 718.111 The association.—

375 (1) CORPORATE ENTITY.—

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

401 | fairs or education programs. An association may operate more  
 402 | than one condominium.

403 | (12) OFFICIAL RECORDS.—

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

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

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

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

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

417 | 5. A copy of the current rules of the association.

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

421 | 7. A current roster of all unit owners and their mailing  
 422 | addresses, unit identifications, voting certifications, and, if  
 423 | known, telephone numbers. The association shall also maintain  
 424 | the e-mail addresses and facsimile numbers of unit owners  
 425 | consenting to receive notice by electronic transmission. ~~The e-~~

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

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

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

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

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

451 limited to:

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

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

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

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

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

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

475 13. All rental records if the association is acting as

476 agent for the rental of condominium units.

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

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

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

485 17. All affirmative acknowledgments made pursuant to s.  
486 718.121(4) (c).

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

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

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

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

523 (c)1.a.~~(e)1.~~ The official records of the association are  
524 open to inspection by any association member and any person  
525 authorized by an association member as a representative of such

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

551 device, the association may fulfill its obligations under this  
552 paragraph by directing to the website or the application all  
553 persons authorized to request access.

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

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

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

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

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

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

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

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

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

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

626 indicate the compensation paid to an association employee.

627       d. Medical records of unit owners.

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

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

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

655 h. All affirmative acknowledgments made pursuant to s.  
656 718.121(4)(c).

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

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

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

676 ability as to their accuracy."

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

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

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

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

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

700 b. The association's website or application must be

701 accessible through the Internet and must contain a subpage, web  
702 portal, or other protected electronic location that is  
703 inaccessible to the general public and accessible only to unit  
704 owners and employees of the association.

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

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

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

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

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

723 d. The rules of the association.

724 e. A list of all executory contracts or documents to which  
725 the association is a party or under which the association or the

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

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

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

738 h. The certification of each director required by s.  
739 718.112(2)(d)4.b.

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

745 j. Any contract or document regarding a conflict of  
746 interest or possible conflict of interest as provided in ss.  
747 468.4335, 468.436(2)(b)6., and 718.3027(3).

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

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

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

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

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

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

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

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

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

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

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

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

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

826           2. An association with total annual revenues of at least  
827 \$300,000, but less than \$500,000, shall prepare reviewed  
828 financial statements.

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

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

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

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

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

851           2. Reviewed or audited financial statements, if the  
 852 association is required to prepare compiled financial  
 853 statements; or

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

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

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

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

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

867

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

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

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

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

907 (15) DEBIT CARDS.—

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

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

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

924 718.111 The association.—

925 (12) OFFICIAL RECORDS.—

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

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

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

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

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

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

951 that must be electronically provided.

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

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

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

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

965 d. The rules of the association.

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

975 f. The annual budget required by s. 718.112(2)(f) and any

976 | proposed budget to be considered at the annual meeting.  
 977 |         g. The financial report required by subsection (13) and  
 978 | any monthly income or expense statement to be considered at a  
 979 | meeting.  
 980 |         h. The certification of each director required by s.  
 981 | 718.112(2)(d)4.b.  
 982 |         i. All contracts or transactions between the association  
 983 | and any director, officer, corporation, firm, or association  
 984 | that is not an affiliated condominium association or any other  
 985 | entity in which an association director is also a director or  
 986 | officer and financially interested.  
 987 |         j. Any contract or document regarding a conflict of  
 988 | interest or possible conflict of interest as provided in ss.  
 989 | 468.4335, 468.436(2)(b)6., and 718.3027(3).  
 990 |         k. The notice of any unit owner meeting and the agenda for  
 991 | the meeting, as required by s. 718.112(2)(d)3., no later than 14  
 992 | days before the meeting. The notice must be posted in plain view  
 993 | on the front page of the website or application, or on a  
 994 | separate subpage of the website or application labeled "Notices"  
 995 | which is conspicuously visible and linked from the front page.  
 996 | The association must also post on its website or application any  
 997 | document to be considered and voted on by the owners during the  
 998 | meeting or any document listed on the agenda at least 7 days  
 999 | before the meeting at which the document or the information  
 1000 | within the document will be considered.

1001           1. Notice of any board meeting, the agenda, and any other  
 1002 document required for the meeting as required by s.  
 1003 718.112(2)(c), which must be posted no later than the date  
 1004 required for notice under s. 718.112(2)(c).

1005           m. The inspection reports described in ss. 553.899 and  
 1006 718.301(4)(p) and any other inspection report relating to a  
 1007 structural or life safety inspection of condominium property.

1008           n. The association's most recent structural integrity  
 1009 reserve study, if applicable.

1010           o. Copies of all building permits issued for ongoing or  
 1011 planned construction.

1012           3. The association shall ensure that the information and  
 1013 records described in paragraph (c), which are not allowed to be  
 1014 accessible to unit owners, are not posted on the association's  
 1015 website or application. If protected information or information  
 1016 restricted from being accessible to unit owners is included in  
 1017 documents that are required to be posted on the association's  
 1018 website or application, the association shall ensure the  
 1019 information is redacted before posting the documents.

1020 Notwithstanding the foregoing, the association or its agent is  
 1021 not liable for disclosing information that is protected or  
 1022 restricted under this paragraph unless such disclosure was made  
 1023 with a knowing or intentional disregard of the protected or  
 1024 restricted nature of such information.

1025           4. The failure of the association to post information

1026 required under subparagraph 2. is not in and of itself  
1027 sufficient to invalidate any action or decision of the  
1028 association's board or its committees.

1029 Section 8. Paragraphs (c), (d), (f), (g), and (q) of  
1030 subsection (2) of section 718.112, Florida Statutes, are  
1031 amended, and paragraph (r) is added to that subsection, to read:

1032 718.112 Bylaws.—

1033 (2) REQUIRED PROVISIONS.—The bylaws shall provide for the  
1034 following and, if they do not do so, shall be deemed to include  
1035 the following:

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

1051 adopt reasonable rules governing the tape recording and  
 1052 videotaping of the meeting. The association may adopt written  
 1053 reasonable rules governing the frequency, duration, and manner  
 1054 of unit owner statements.

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

1076 ~~be considered must specifically state that assessments will be~~  
1077 ~~considered and provide the estimated cost and description of the~~  
1078 ~~purposes for such assessments.~~

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

1101 conspicuously posting the meeting notice and the agenda on a  
1102 website serving the condominium association for at least the  
1103 minimum period of time for which a notice of a meeting is also  
1104 required to be physically posted on the condominium property.  
1105 Any rule adopted shall, in addition to other matters, include a  
1106 requirement that the association send an electronic notice in  
1107 the same manner as a notice for a meeting of the members, which  
1108 must include a hyperlink to the website at which ~~where~~ the  
1109 notice is posted, to unit owners whose e-mail addresses are  
1110 included in the association's official records.

1111 3. Notice of any meeting in which regular or special  
1112 assessments against unit owners are to be considered must  
1113 specifically state that assessments will be considered and  
1114 provide the estimated cost and description of the purposes for  
1115 such assessments. If an agenda item relates to the approval of a  
1116 contract for goods or services, a copy of the contract must be  
1117 provided with the notice and be made available for inspection  
1118 and copying upon a written request from a unit owner or made  
1119 available on the association's website or through an application  
1120 that can be downloaded on a mobile device.

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

1126 regarding the association budget are subject to this section,  
 1127 unless those meetings are exempted from this section by the  
 1128 bylaws of the association.

1129 ~~5.3.~~ Notwithstanding any other law, the requirement that  
 1130 board meetings and committee meetings be open to the unit owners  
 1131 does not apply to:

1132 a. Meetings between the board or a committee and the  
 1133 association's attorney, with respect to proposed or pending  
 1134 litigation, if the meeting is held for the purpose of seeking or  
 1135 rendering legal advice; or

1136 b. Board meetings held for the purpose of discussing  
 1137 personnel matters.

1138 (d) *Unit owner meetings.*—

1139 1. An annual meeting of the unit owners must be held at  
 1140 the location provided in the association bylaws and, if the  
 1141 bylaws are silent as to the location, the meeting must be held  
 1142 within 45 miles of the condominium property. However, such  
 1143 distance requirement does not apply to an association governing  
 1144 a timeshare condominium.

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

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

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

1201 committed in this state, is not eligible for board membership  
1202 unless such felon's civil rights have been restored for at least  
1203 5 years as of the date such person seeks election to the board.  
1204 The validity of an action by the board is not affected if it is  
1205 later determined that a board member is ineligible for board  
1206 membership due to having been convicted of a felony. This  
1207 subparagraph does not limit the term of a member of the board of  
1208 a nonresidential or timeshare condominium.

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

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

1251 must include a hyperlink to the website at which ~~where~~ the  
1252 notice is posted, to unit owners whose e-mail addresses are  
1253 included in the association's official records. Unless a unit  
1254 owner waives in writing the right to receive notice of the  
1255 annual meeting, such notice must be hand delivered, mailed, or  
1256 electronically transmitted to each unit owner. Notice for  
1257 meetings and notice for all other purposes must be mailed to  
1258 each unit owner at the address last furnished to the association  
1259 by the unit owner, or hand delivered to each unit owner.  
1260 However, if a unit is owned by more than one person, the  
1261 association must provide notice to the address that the  
1262 developer identifies for that purpose and thereafter as one or  
1263 more of the owners of the unit advise the association in  
1264 writing, or if no address is given or the owners of the unit do  
1265 not agree, to the address provided on the deed of record. An  
1266 officer of the association, or the manager or other person  
1267 providing notice of the association meeting, must provide an  
1268 affidavit or United States Postal Service certificate of  
1269 mailing, to be included in the official records of the  
1270 association affirming that the notice was mailed or hand  
1271 delivered in accordance with this provision.

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

1276 otherwise, unless otherwise provided in this chapter. This  
 1277 subparagraph does not apply to an association governing a  
 1278 timeshare condominium.

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

1301 reduce costs, the association may print or duplicate the  
1302 information sheets on both sides of the paper. The division  
1303 shall by rule establish voting procedures consistent with this  
1304 sub-subparagraph, including rules establishing procedures for  
1305 giving notice by electronic transmission and rules providing for  
1306 the secrecy of ballots. Elections shall be decided by a  
1307 plurality of ballots cast. There is no quorum requirement;  
1308 however, at least 20 percent of the eligible voters must cast a  
1309 ballot in order to have a valid election. A unit owner may not  
1310 authorize any other person to vote his or her ballot, and any  
1311 ballots improperly cast are invalid. A unit owner who violates  
1312 this provision may be fined by the association in accordance  
1313 with s. 718.303. A unit owner who needs assistance in casting  
1314 the ballot for the reasons stated in s. 101.051 may obtain such  
1315 assistance. The regular election must occur on the date of the  
1316 annual meeting. Notwithstanding this sub-subparagraph, an  
1317 election is not required unless more candidates file notices of  
1318 intent to run or are nominated than board vacancies exist.

1319       b. A director of a ~~Within 90 days after being elected or~~  
1320 ~~appointed to the~~ board of an association of a residential  
1321 ~~condominium, each newly elected or appointed director shall:~~

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

1326 documents and policies to the best of his or her ability; and  
1327 that he or she will faithfully discharge his or her fiduciary  
1328 responsibility to the association's members.

1329 (II) Submit to the secretary of the association ~~In lieu of~~  
1330 ~~this written certification, within 90 days after being elected~~  
1331 ~~or appointed to the board, the newly elected or appointed~~  
1332 ~~director may submit~~ a certificate of having satisfactorily  
1333 completed the educational curriculum administered by the  
1334 division or a division-approved condominium education provider.  
1335 The educational curriculum must be at least 4 hours long and  
1336 include instruction on milestone inspections, structural  
1337 integrity reserve studies, recordkeeping, financial literacy and  
1338 transparency, levying of fines, and notice and meeting  
1339 requirements within 1 year before or 90 days after the date of  
1340 election or appointment.

1341  
1342 Each newly elected or appointed director must submit to the  
1343 secretary of the association the written certification and  
1344 educational certificate within 1 year before being elected or  
1345 appointed or 90 days after the date of election or appointment.  
1346 A director of an association of a residential condominium who  
1347 was elected or appointed before July 1, 2024, must comply with  
1348 the written certification and educational certificate  
1349 requirements in this sub-subparagraph by June 30, 2025. The  
1350 written certification and ~~or~~ educational certificate is valid

1351 for 7 years after the date of issuance and does not have to be  
1352 resubmitted as long as the director serves on the board without  
1353 interruption during the 7-year period. A director who is  
1354 appointed by the developer may satisfy the educational  
1355 certificate requirement in sub-sub-subparagraph (II) for any  
1356 subsequent appointment to a board by a developer within 7 years  
1357 after the date of issuance of the most recent educational  
1358 certificate, including any interruption of service on a board or  
1359 appointment to a board in another association within that 7-year  
1360 period. One year after submission of the most recent written  
1361 certification and educational certificate, and annually  
1362 thereafter, a director of an association of a residential  
1363 condominium must submit to the secretary of the association a  
1364 certificate of having satisfactorily completed at least 1 hour  
1365 of continuing education administered by the division, or a  
1366 division-approved condominium education provider, relating to  
1367 any recent changes to this chapter and the related  
1368 administrative rules during the past year. A director of an  
1369 association of a residential condominium who fails to timely  
1370 file the written certification and ~~or~~ educational certificate is  
1371 suspended from service on the board until he or she complies  
1372 with this sub-subparagraph. The board may temporarily fill the  
1373 vacancy during the period of suspension. The secretary shall  
1374 cause the association to retain a director's written  
1375 certification and ~~or~~ educational certificate for inspection by

1376 | the members for 7 ~~5~~ years after a director's election or the  
 1377 | duration of the director's uninterrupted tenure, whichever is  
 1378 | longer. Failure to have such written certification and ~~or~~  
 1379 | educational certificate on file does not affect the validity of  
 1380 | any board action.

1381 |         c. Any challenge to the election process must be commenced  
 1382 | within 60 days after the election results are announced.

1383 |         5. Any approval by unit owners called for by this chapter  
 1384 | or the applicable declaration or bylaws, including, but not  
 1385 | limited to, the approval requirement in s. 718.111(8), must be  
 1386 | made at a duly noticed meeting of unit owners and is subject to  
 1387 | all requirements of this chapter or the applicable condominium  
 1388 | documents relating to unit owner decisionmaking, except that  
 1389 | unit owners may take action by written agreement, without  
 1390 | meetings, on matters for which action by written agreement  
 1391 | without meetings is expressly allowed by the applicable bylaws  
 1392 | or declaration or any law that provides for such action.

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

1401 responsible for removing or bypassing filters that block receipt  
1402 of mass e-mails sent to members on behalf of the association in  
1403 the course of giving electronic notices.

1404 7. Unit owners have the right to participate in meetings  
1405 of unit owners with reference to all designated agenda items.  
1406 However, the association may adopt reasonable rules governing  
1407 the frequency, duration, and manner of unit owner participation.

1408 8. A unit owner may tape record or videotape a meeting of  
1409 the unit owners subject to reasonable rules adopted by the  
1410 division.

1411 9. Unless otherwise provided in the bylaws, any vacancy  
1412 occurring on the board before the expiration of a term may be  
1413 filled by the affirmative vote of the majority of the remaining  
1414 directors, even if the remaining directors constitute less than  
1415 a quorum, or by the sole remaining director. In the alternative,  
1416 a board may hold an election to fill the vacancy, in which case  
1417 the election procedures must conform to sub-subparagraph 4.a.  
1418 unless the association governs 10 units or fewer and has opted  
1419 out of the statutory election process, in which case the bylaws  
1420 of the association control. Unless otherwise provided in the  
1421 bylaws, a board member appointed or elected under this section  
1422 shall fill the vacancy for the unexpired term of the seat being  
1423 filled. Filling vacancies created by recall is governed by  
1424 paragraph (1) and rules adopted by the division.

1425 10. This chapter does not limit the use of general or

1426 | limited proxies, require the use of general or limited proxies,  
1427 | or require the use of a written ballot or voting machine for any  
1428 | agenda item or election at any meeting of a timeshare  
1429 | condominium association or nonresidential condominium  
1430 | association.

1431 |  
1432 | Notwithstanding subparagraph (b)2. and sub-subparagraph 4.a., an  
1433 | association of 10 or fewer units may, by affirmative vote of a  
1434 | majority of the total voting interests, provide for different  
1435 | voting and election procedures in its bylaws, which may be by a  
1436 | proxy specifically delineating the different voting and election  
1437 | procedures. The different voting and election procedures may  
1438 | provide for elections to be conducted by limited or general  
1439 | proxy.

1440 |       (f) *Annual budget.*—

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

1451 common expenses for each condominium the association operates  
1452 and must adopt a separate budget of common expenses for the  
1453 association. In addition, if the association maintains limited  
1454 common elements with the cost to be shared only by those  
1455 entitled to use the limited common elements as provided for in  
1456 s. 718.113(1), the budget or a schedule attached to it must show  
1457 the amount budgeted for this maintenance. If, after turnover of  
1458 control of the association to the unit owners, any of the  
1459 expenses listed in s. 718.504(21) are not applicable, they do  
1460 not need to be listed.

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

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

1501 entire condominium building is uninhabitable due to a natural  
 1502 emergency, as defined in s. 252.34, the board, upon the approval  
 1503 of a majority of its members, may pause the contribution to its  
 1504 reserves or reduce reserve funding until the local building  
 1505 official determines that the condominium building is habitable.  
 1506 Any reserve account funds held by the association may be  
 1507 expended, pursuant to the board's determination, to make the  
 1508 condominium building and its structures habitable. Upon the  
 1509 determination by the local building official that the  
 1510 condominium building is habitable, the association must  
 1511 immediately resume contributing funds to its reserves.

1512       b. Before turnover of control of an association by a  
 1513 developer to unit owners other than a developer under s.  
 1514 718.301, the developer-controlled association may not vote to  
 1515 waive the reserves or reduce funding of the reserves. If a  
 1516 meeting of the unit owners has been called to determine whether  
 1517 to waive or reduce the funding of reserves and no such result is  
 1518 achieved or a quorum is not attained, the reserves included in  
 1519 the budget shall go into effect. After the turnover, the  
 1520 developer may vote its voting interest to waive or reduce the  
 1521 funding of reserves.

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

1526 total voting interests of the association. Before turnover of  
 1527 control of an association by a developer to unit owners other  
 1528 than the developer pursuant to s. 718.301, the developer-  
 1529 controlled association may not vote to use reserves for purposes  
 1530 other than those for which they were intended. For a budget  
 1531 adopted on or after December 31, 2024, members of a unit-owner-  
 1532 controlled association that must obtain a structural integrity  
 1533 reserve study may not vote to use reserve funds, or any interest  
 1534 accruing thereon, for any other purpose other than the  
 1535 replacement or deferred maintenance costs of the components  
 1536 listed in paragraph (g).

1537 4. The only voting interests that are eligible to vote on  
 1538 questions that involve waiving or reducing the funding of  
 1539 reserves, or using existing reserve funds for purposes other  
 1540 than purposes for which the reserves were intended, are the  
 1541 voting interests of the units subject to assessment to fund the  
 1542 reserves in question. Proxy questions relating to waiving or  
 1543 reducing the funding of reserves or using existing reserve funds  
 1544 for purposes other than purposes for which the reserves were  
 1545 intended must contain the following statement in capitalized,  
 1546 bold letters in a font size larger than any other used on the  
 1547 face of the proxy ballot: WAIVING OF RESERVES, IN WHOLE OR IN  
 1548 PART, OR ALLOWING ALTERNATIVE USES OF EXISTING RESERVES MAY  
 1549 RESULT IN UNIT OWNER LIABILITY FOR PAYMENT OF UNANTICIPATED  
 1550 SPECIAL ASSESSMENTS REGARDING THOSE ITEMS.

- 1551 (g) *Structural integrity reserve study.*—
- 1552 1. A residential condominium association must have a
- 1553 structural integrity reserve study completed at least every 10
- 1554 years after the condominium's creation for each building on the
- 1555 condominium property that is three stories or higher in height,
- 1556 as determined by the Florida Building Code, which includes, at a
- 1557 minimum, a study of the following items as related to the
- 1558 structural integrity and safety of the building:
- 1559 a. Roof.
- 1560 b. Structure, including load-bearing walls and other
- 1561 primary structural members and primary structural systems as
- 1562 those terms are defined in s. 627.706.
- 1563 c. Fireproofing and fire protection systems.
- 1564 d. Plumbing.
- 1565 e. Electrical systems.
- 1566 f. Waterproofing and exterior painting.
- 1567 g. Windows and exterior doors.
- 1568 h. Any other item that has a deferred maintenance expense
- 1569 or replacement cost that exceeds \$10,000 and the failure to
- 1570 replace or maintain such item negatively affects the items
- 1571 listed in sub-subparagraphs a.-g., as determined by the visual
- 1572 inspection portion of the structural integrity reserve study.
- 1573 2. A structural integrity reserve study is based on a
- 1574 visual inspection of the condominium property. A structural
- 1575 integrity reserve study may be performed by any person qualified

1576 to perform such study. However, the visual inspection portion of  
1577 the structural integrity reserve study must be performed or  
1578 verified by an engineer licensed under chapter 471, an architect  
1579 licensed under chapter 481, or a person certified as a reserve  
1580 specialist or professional reserve analyst by the Community  
1581 Associations Institute or the Association of Professional  
1582 Reserve Analysts.

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

1601 maintenance expense amount for such item.

1602       4. This paragraph does not apply to buildings less than  
1603 three stories in height; single-family, two-family, or three-  
1604 family dwellings with three or fewer habitable stories above  
1605 ground; any portion or component of a building that has not been  
1606 submitted to the condominium form of ownership; or any portion  
1607 or component of a building that is maintained by a party other  
1608 than the association.

1609       5. Before a developer turns over control of an association  
1610 to unit owners other than the developer, the developer must have  
1611 a turnover inspection report in compliance with s. 718.301(4)(p)  
1612 and (q) for each building on the condominium property that is  
1613 three stories or higher in height.

1614       6. Associations existing on or before July 1, 2022, which  
1615 are controlled by unit owners other than the developer, must  
1616 have a structural integrity reserve study completed by December  
1617 31, 2024, for each building on the condominium property that is  
1618 three stories or higher in height. An association that is  
1619 required to complete a milestone inspection in accordance with  
1620 s. 553.899 on or before December 31, 2026, may complete the  
1621 structural integrity reserve study simultaneously with the  
1622 milestone inspection. In no event may the structural integrity  
1623 reserve study be completed after December 31, 2026.

1624       7. If the milestone inspection required by s. 553.899, or  
1625 an inspection completed for a similar local requirement, was

1626 performed within the past 5 years and meets the requirements of  
1627 this paragraph, such inspection may be used in place of the  
1628 visual inspection portion of the structural integrity reserve  
1629 study.

1630 8. If the officers or directors of an association  
1631 willfully and knowingly fail to complete a structural integrity  
1632 reserve study pursuant to this paragraph, such failure is a  
1633 breach of an officer's and director's fiduciary relationship to  
1634 the unit owners under s. 718.111(1).

1635 9. Within 45 days after receiving the structural integrity  
1636 reserve study, the association must distribute a copy of the  
1637 study to each unit owner or deliver to each unit owner a notice  
1638 that the completed study is available for inspection and copying  
1639 upon a written request. Distribution of a copy of the study or  
1640 notice must be made by United States mail or personal delivery  
1641 to the mailing address, property address, or any other address  
1642 of the owner provided to fulfill the association's notice  
1643 requirements under this chapter, or by electronic transmission  
1644 to the e-mail address or facsimile number provided to fulfill  
1645 the association's notice requirements to unit owners who  
1646 previously consented to receive notice by electronic  
1647 transmission.

1648 (q) *Director or officer offenses.*—

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

1651 office:

1652 a. Forgery, as provided in s. 831.01, of a ballot envelope

1653 or voting certificate used in a condominium association

1654 election.

1655 b. Theft, as provided in s. 812.014, or embezzlement

1656 involving the association's funds or property.

1657 c. Destruction of, or the refusal to allow inspection or

1658 copying of, an official record of a condominium association

1659 which is accessible to unit owners within the time periods

1660 required by general law, in furtherance of any crime. Such act

1661 constitutes tampering with physical evidence as provided in s.

1662 918.13.

1663 d. Obstruction of justice under chapter 843.

1664 2. The board shall fill the vacancy in accordance with

1665 paragraph (2) (d) a felony theft or embezzlement offense

1666 ~~involving the association's funds or property must be removed~~

1667 ~~from office, creating a vacancy in the office to be filled~~

1668 ~~according to law~~ until the end of the period of the suspension

1669 or the end of the director's term of office, whichever occurs

1670 first. While such director or officer has such criminal charge

1671 pending, he or she may not be appointed or elected to a position

1672 as a director or officer of any association and may not have

1673 access to the official records of any association, except

1674 pursuant to a court order. However, if the charges are resolved

1675 without a finding of guilt, the director or officer shall be

1676 reinstated for the remainder of his or her term of office, if  
 1677 any.

1678 (r) Fraudulent voting activities relating to association  
 1679 elections; penalties.-

1680 1. A person who engages in the following acts of  
 1681 fraudulent voting activity relating to association elections  
 1682 commits a misdemeanor of the first degree, punishable as  
 1683 provided in s. 775.082 or s. 775.083:

1684 a. Willfully and falsely swearing to or affirming an oath  
 1685 or affirmation, or willfully procuring another person to falsely  
 1686 swear to or affirm an oath or affirmation, in connection with or  
 1687 arising out of voting activities.

1688 b. Perpetrating or attempting to perpetrate, or aiding in  
 1689 the perpetration of, fraud in connection with a vote cast, to be  
 1690 cast, or attempted to be cast.

1691 c. Preventing a member from voting or preventing a member  
 1692 from voting as he or she intended by fraudulently changing or  
 1693 attempting to change a ballot, ballot envelope, vote, or voting  
 1694 certificate of the member.

1695 d. Menacing, threatening, or using bribery or any other  
 1696 corruption to attempt, directly or indirectly, to influence,  
 1697 deceive, or deter a member when the member is voting.

1698 e. Giving or promising, directly or indirectly, anything  
 1699 of value to another member with the intent to buy the vote of  
 1700 that member or another member or to corruptly influence that

1701 member or another member in casting his or her vote. This sub-  
 1702 subparagraph does not apply to any food served which is to be  
 1703 consumed at an election rally or a meeting or to any item of  
 1704 nominal value which is used as an election advertisement,  
 1705 including a campaign message designed to be worn by a member.

1706 f. Using or threatening to use, directly or indirectly,  
 1707 force, violence, or intimidation or any tactic of coercion or  
 1708 intimidation to induce or compel a member to vote or refrain  
 1709 from voting in an election or on a particular ballot measure.

1710 2. Each of the following acts constitutes a misdemeanor of  
 1711 the first degree, punishable as provided in s. 775.082 or s.  
 1712 775.083:

1713 a. Knowingly aiding, abetting, or advising a person in the  
 1714 commission of a fraudulent voting activity related to  
 1715 association elections.

1716 b. Agreeing, conspiring, combining, or confederating with  
 1717 at least one other person to commit a fraudulent voting activity  
 1718 related to association elections.

1719 c. Having knowledge of a fraudulent voting activity  
 1720 related to association elections and giving any aid to the  
 1721 offender with intent that the offender avoid or escape  
 1722 detection, arrest, trial, or punishment. This sub-subparagraph  
 1723 does not apply to a licensed attorney giving legal advice to a  
 1724 client.

1725 Section 9. Subsection (5) of section 718.113, Florida

1726 Statutes, is amended to read:

1727       718.113 Maintenance; limitation upon improvement; display  
 1728 of flag; hurricane ~~shutters and~~ protection; display of religious  
 1729 decorations.—

1730       (5) To protect the health, safety, and welfare of the  
 1731 people of the state and to ensure uniformity and consistency in  
 1732 the hurricane protections installed by condominium associations  
 1733 and unit owners, this subsection applies to all residential and  
 1734 mixed-use condominiums in the state, regardless of when the  
 1735 condominium is created pursuant to the declaration of  
 1736 condominium. Each board of administration of a residential  
 1737 condominium or mixed-use condominium must ~~shall~~ adopt hurricane  
 1738 protection ~~shutter~~ specifications for each building within each  
 1739 condominium operated by the association which ~~may shall~~ include  
 1740 color, style, and other factors deemed relevant by the board.  
 1741 All specifications adopted by the board must comply with the  
 1742 applicable building code. The installation, maintenance, repair,  
 1743 replacement, and operation of hurricane protection in accordance  
 1744 with this subsection is not considered a material alteration or  
 1745 substantial addition to the common elements or association  
 1746 property within the meaning of this section.

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

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

1776 protection pursuant to the declaration of condominium as  
1777 originally recorded or as amended. If hurricane protection ~~or~~  
1778 ~~laminated glass or window film architecturally designed to~~  
1779 ~~function as hurricane protection~~ that complies with or exceeds  
1780 the current applicable building code has been previously  
1781 installed, the board may not install the same type of hurricane  
1782 ~~shutters, impact glass, code-compliant windows or doors, or~~  
1783 ~~other types of code-compliant~~ hurricane protection or require  
1784 that unit owners install the same type of hurricane protection  
1785 unless the installed hurricane protection has reached the end of  
1786 its useful life or unless it is necessary to prevent damage to  
1787 the common elements or to a unit ~~except upon approval by a~~  
1788 ~~majority vote of the voting interests.~~

1789 ~~(b) The association is responsible for the maintenance,~~  
1790 ~~repair, and replacement of the hurricane shutters, impact glass,~~  
1791 ~~code-compliant windows or doors, or other types of code-~~  
1792 ~~compliant hurricane protection authorized by this subsection if~~  
1793 ~~such property is the responsibility of the association pursuant~~  
1794 ~~to the declaration of condominium. If the hurricane shutters,~~  
1795 ~~impact glass, code-compliant windows or doors, or other types of~~  
1796 ~~code-compliant hurricane protection are the responsibility of~~  
1797 ~~the unit owners pursuant to the declaration of condominium, the~~  
1798 ~~maintenance, repair, and replacement of such items are the~~  
1799 ~~responsibility of the unit owner.~~

1800 (b)-(c) The board may operate ~~shutters, impact glass, code-~~

1801 ~~compliant windows or doors, or other types of code-compliant~~  
 1802 ~~hurricane protection installed pursuant to this subsection~~  
 1803 without permission of the unit owners only if such operation is  
 1804 necessary to preserve and protect the condominium property or  
 1805 ~~and~~ association property. ~~The installation, replacement,~~  
 1806 ~~operation, repair, and maintenance of such shutters, impact~~  
 1807 ~~glass, code-compliant windows or doors, or other types of code-~~  
 1808 ~~compliant hurricane protection in accordance with the procedures~~  
 1809 ~~set forth in this paragraph are not a material alteration to the~~  
 1810 ~~common elements or association property within the meaning of~~  
 1811 ~~this section.~~

1812 (c)-(d) Notwithstanding any other provision in the  
 1813 residential condominium or mixed-use condominium documents, if  
 1814 approval is required by the documents, a board may not refuse to  
 1815 approve the installation or replacement of ~~hurricane shutters,~~  
 1816 ~~impact glass, code-compliant windows or doors, or other types of~~  
 1817 ~~code-compliant~~ hurricane protection by a unit owner which  
 1818 conforms ~~conforming~~ to the specifications adopted by the board.  
 1819 However, a board may require the unit owner to adhere to an  
 1820 existing unified building scheme regarding the external  
 1821 appearance of the condominium.

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

1826 condominium property or association property for which the  
 1827 association is responsible. The board shall determine if the  
 1828 removal or reinstallation of hurricane protection must be  
 1829 completed by the unit owner or the association. If such removal  
 1830 or reinstallation is completed by the association, the costs  
 1831 incurred by the association may not be charged to the unit  
 1832 owner. If such removal or reinstallation is completed by the  
 1833 unit owner, the association must reimburse the unit owner for  
 1834 the cost of the removal or reinstallation or the association  
 1835 must apply a credit toward future assessments in the amount of  
 1836 the unit owner's cost to remove or reinstall the hurricane  
 1837 protection.

1838 (e) If the removal or reinstallation of hurricane  
 1839 protection, including exterior windows, doors, or other  
 1840 apertures, is the responsibility of the unit owner and the  
 1841 association completes such removal or reinstallation and then  
 1842 charges the unit owner for such removal or reinstallation, such  
 1843 charges are enforceable as an assessment and may be collected in  
 1844 the manner provided under s. 718.116.

1845 Section 10. Paragraph (e) of subsection (1) of section  
 1846 718.115, Florida Statutes, is amended to read:

1847 718.115 Common expenses and common surplus.—

1848 (1)

1849 (e)1. Except as provided in s. 718.113(5) (d), ~~The expense~~  
 1850 ~~of installation, replacement, operation, repair, and maintenance~~

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1851 ~~of hurricane shutters, impact glass, code-compliant windows or~~  
1852 ~~doors, or other types of code-compliant hurricane protection by~~  
1853 ~~the board pursuant to s. 718.113(5) constitutes a common expense~~  
1854 ~~and shall be collected as provided in this section if the~~  
1855 ~~association is responsible for the maintenance, repair, and~~  
1856 ~~replacement of the hurricane shutters, impact glass, code-~~  
1857 ~~compliant windows or doors, or other types of code-compliant~~  
1858 ~~hurricane protection pursuant to the declaration of condominium.~~  
1859 ~~However, if the installation of maintenance, repair, and~~  
1860 ~~replacement of the hurricane shutters, impact glass, code-~~  
1861 ~~compliant windows or doors, or other types of code-compliant~~  
1862 ~~hurricane protection is ~~are~~ the responsibility of the unit~~  
1863 ~~owners pursuant to the declaration of condominium or a vote of~~  
1864 ~~the unit owners under s. 718.113(5), the cost of the~~  
1865 ~~installation of ~~the hurricane shutters, impact glass, code-~~~~  
1866 ~~~~compliant windows or doors, or other types of code-compliant~~~~  
1867 ~~hurricane protection by the association is not a common expense~~  
1868 ~~and must ~~shall~~ be charged individually to the unit owners based~~  
1869 ~~on the cost of installation of ~~the hurricane shutters, impact~~~~  
1870 ~~~~glass, code-compliant windows or doors, or other types of code-~~~~  
1871 ~~~~compliant~~ hurricane protection appurtenant to the unit. The~~  
1872 ~~costs of installation of hurricane protection are enforceable as~~  
1873 ~~an assessment and may be collected in the manner provided under~~  
1874 ~~s. 718.116.~~

1875 2. Notwithstanding s. 718.116(9), and regardless of

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

1901 responsible for the pro rata share of expenses for ~~hurricane~~  
 1902 ~~shutters, impact glass, code-compliant windows or doors, or~~  
 1903 ~~other types of code-compliant~~ hurricane protection installed on  
 1904 common elements and association property by the board pursuant  
 1905 to s. 718.113(5) and remains responsible for a pro rata share of  
 1906 the expense of the replacement, operation, repair, and  
 1907 maintenance of such ~~shutters, impact glass, code-compliant~~  
 1908 ~~windows or doors, or other types of code-compliant~~ hurricane  
 1909 protection. Expenses for the installation, replacement,  
 1910 operation, repair, or maintenance of hurricane protection on  
 1911 common elements and association property are common expenses.

1912 Section 11. Paragraph (a) of subsection (4) of section  
 1913 718.121, Florida Statutes, is amended to read:

1914 718.121 Liens.—

1915 (4) (a) If an association sends out an invoice for  
 1916 assessments or a unit's statement of the account described in s.  
 1917 718.111(12)(a)11.c. ~~s. 718.111(12)(a)11.b.~~, the invoice for  
 1918 assessments or the unit's statement of account must be delivered  
 1919 to the unit owner by first-class United States mail or by  
 1920 electronic transmission to the unit owner's e-mail address  
 1921 maintained in the association's official records.

1922 Section 12. Section 718.1224, Florida Statutes, is amended  
 1923 to read:

1924 718.1224 Prohibition against SLAPP suits; other prohibited  
 1925 actions.—

1926 (1) It is the intent of the Legislature to protect the  
 1927 right of condominium unit owners to exercise their rights to  
 1928 instruct their representatives and petition for redress of  
 1929 grievances before their condominium association and the various  
 1930 governmental entities of this state as protected by the First  
 1931 Amendment to the United States Constitution and s. 5, Art. I of  
 1932 the State Constitution. The Legislature recognizes that  
 1933 strategic lawsuits against public participation, or "SLAPP  
 1934 suits," as they are typically referred to, have occurred when  
 1935 association members are sued by condominium associations,  
 1936 individuals, business entities, or governmental entities arising  
 1937 out of a condominium unit owner's appearance and presentation  
 1938 before the board of the condominium association or a  
 1939 governmental entity on matters related to the condominium  
 1940 association. However, it is the public policy of this state that  
 1941 condominium associations, governmental entities, business  
 1942 organizations, and individuals not engage in SLAPP suits,  
 1943 because such actions are inconsistent with the right of  
 1944 condominium unit owners to participate in their condominium  
 1945 association and in the state's institutions of government.  
 1946 Therefore, the Legislature finds and declares that prohibiting  
 1947 such lawsuits by condominium associations, governmental  
 1948 entities, business entities, and individuals against condominium  
 1949 unit owners who address matters concerning their condominium  
 1950 association will preserve this fundamental state policy,

1951 preserve the constitutional rights of condominium unit owners,  
 1952 ~~and~~ ensure the continuation of representative government in this  
 1953 state, and ensure unit owner participation in condominium  
 1954 associations. It is the intent of the Legislature that such  
 1955 lawsuits be expeditiously disposed of by the courts. As used in  
 1956 this subsection, the term "governmental entity" means the state,  
 1957 including the executive, legislative, and judicial branches of  
 1958 government; law enforcement agencies; the independent  
 1959 establishments of the state, counties, municipalities,  
 1960 districts, authorities, boards, or commissions; or any agencies  
 1961 of these branches that are subject to chapter 286.

1962 (2) A condominium association, governmental entity,  
 1963 business organization, or individual in this state may not file  
 1964 or cause to be filed through its employees or agents any  
 1965 lawsuit, cause of action, claim, cross-claim, or counterclaim  
 1966 against a condominium unit owner without merit and solely  
 1967 because such condominium unit owner has exercised the right to  
 1968 instruct his or her representatives or the right to petition for  
 1969 redress of grievances before the condominium association or the  
 1970 various governmental entities of this state, as protected by the  
 1971 First Amendment to the United States Constitution and s. 5, Art.  
 1972 I of the State Constitution.

1973 (3) It is unlawful for a condominium association to fine,  
 1974 discriminatorily increase a unit owner's assessments,  
 1975 discriminatorily decrease services to a unit owner, or bring or

1976 threaten to bring an action for possession or other civil  
 1977 action, including a defamation, libel, slander, or tortious  
 1978 interference action, based on conduct described in this  
 1979 subsection. In order for the unit owner to raise the defense of  
 1980 retaliatory conduct, the unit owner must have acted in good  
 1981 faith and not for any improper purposes, such as to harass or to  
 1982 cause unnecessary delay or for frivolous purpose or needless  
 1983 increase in the cost of litigation. Examples of conduct for  
 1984 which a condominium association, an officer, a director, or an  
 1985 agent of an association may not retaliate include, but are not  
 1986 limited to, situations in which:

1987 (a) The unit owner has in good faith complained to a  
 1988 governmental agency charged with responsibility for enforcement  
 1989 of a building, housing, or health code of a suspected violation  
 1990 applicable to the condominium;

1991 (b) The unit owner has organized, encouraged, or  
 1992 participated in a unit owners' organization;

1993 (c) The unit owner submitted information or filed a  
 1994 complaint alleging criminal violations or violations of this  
 1995 chapter or the rules of the division with the division, the  
 1996 Office of the Condominium Ombudsman, a law enforcement agency, a  
 1997 state attorney, the Attorney General, or any other governmental  
 1998 agency;

1999 (d) The unit owner has exercised his or her rights under  
 2000 this chapter;

2001           (e) The unit owner has complained to the association or  
 2002 any of the association's representatives for the failure to  
 2003 comply with this chapter or chapter 617; or

2004           (f) The unit owner has made public statements critical of  
 2005 the operation or management of the association.

2006           (4) Evidence of retaliatory conduct may be raised by the  
 2007 unit owner as a defense in any action brought against him or her  
 2008 for possession.

2009           (5)~~(3)~~ A condominium unit owner sued by a condominium  
 2010 association, governmental entity, business organization, or  
 2011 individual in violation of this section has a right to an  
 2012 expeditious resolution of a claim that the suit is in violation  
 2013 of this section. A condominium unit owner may petition the court  
 2014 for an order dismissing the action or granting final judgment in  
 2015 favor of that condominium unit owner. The petitioner may file a  
 2016 motion for summary judgment, together with supplemental  
 2017 affidavits, seeking a determination that the condominium  
 2018 association's, governmental entity's, business organization's,  
 2019 or individual's lawsuit has been brought in violation of this  
 2020 section. The condominium association, governmental entity,  
 2021 business organization, or individual shall thereafter file its  
 2022 response and any supplemental affidavits. As soon as  
 2023 practicable, the court shall set a hearing on the petitioner's  
 2024 motion, which shall be held at the earliest possible time after  
 2025 the filing of the condominium association's, governmental

2026 entity's, business organization's, or individual's response. The  
 2027 court may award the condominium unit owner sued by the  
 2028 condominium association, governmental entity, business  
 2029 organization, or individual actual damages arising from the  
 2030 condominium association's, governmental entity's, individual's,  
 2031 or business organization's violation of this section. A court  
 2032 may treble the damages awarded to a prevailing condominium unit  
 2033 owner and shall state the basis for the treble damages award in  
 2034 its judgment. The court shall award the prevailing party  
 2035 reasonable attorney's fees and costs incurred in connection with  
 2036 a claim that an action was filed in violation of this section.

2037 ~~(6)~~~~(4)~~ Condominium associations may not expend association  
 2038 funds in prosecuting a SLAPP suit against a condominium unit  
 2039 owner.

2040 (7) Condominium associations may not expend association  
 2041 funds in support of a defamation, libel, slander, or tortious  
 2042 interference action against a unit owner or any other claim  
 2043 against a unit owner based on conduct described in subsection  
 2044 (3).

2045 Section 13. Paragraph (p) of subsection (4) of section  
 2046 718.301, Florida Statutes, is amended to read:

2047 718.301 Transfer of association control; claims of defect  
 2048 by association.—

2049 (4) At the time that unit owners other than the developer  
 2050 elect a majority of the members of the board of administration

2051 of an association, the developer shall relinquish control of the  
 2052 association, and the unit owners shall accept control.

2053 Simultaneously, or for the purposes of paragraph (c) not more  
 2054 than 90 days thereafter, the developer shall deliver to the  
 2055 association, at the developer's expense, all property of the  
 2056 unit owners and of the association which is held or controlled  
 2057 by the developer, including, but not limited to, the following  
 2058 items, if applicable, as to each condominium operated by the  
 2059 association:

2060 (p) Notwithstanding when the certificate of occupancy was  
 2061 issued or the height of the building, a turnover inspection  
 2062 report included in the official records, under seal of an  
 2063 architect or engineer authorized to practice in this state or a  
 2064 person certified as a reserve specialist or professional reserve  
 2065 analyst by the Community Associations Institute or the  
 2066 Association of Professional Reserve Analysts, and consisting of  
 2067 a structural integrity reserve study attesting to required  
 2068 maintenance, condition, useful life, and replacement costs of  
 2069 the following applicable condominium property:

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

2076           5. Electrical systems.

2077           6. Waterproofing and exterior painting.

2078           7. Windows and exterior doors.

2079           Section 14. Subsections (4) and (5) of section 718.3027,

2080 Florida Statutes, are amended to read:

2081           718.3027 Conflicts of interest.—

2082           (4) A director or an officer, or a relative of a director

2083 or an officer, who is a party to, or has an interest in, an

2084 activity that is a possible conflict of interest, as described

2085 in subsection (1), may attend the meeting at which the activity

2086 is considered by the board and is authorized to make a

2087 presentation to the board regarding the activity. After the

2088 presentation, the director or officer, and any ~~or the~~ relative

2089 of the director or officer, must leave the meeting during the

2090 discussion of, and the vote on, the activity. A director or an

2091 officer who is a party to, or has an interest in, the activity

2092 must recuse himself or herself from the vote. The attendance of

2093 a director or an officer with a possible conflict of interest at

2094 the meeting of the board is sufficient to constitute a quorum

2095 for the meeting and the vote in his or her absence on the

2096 proposed activity.

2097           (5) A contract entered into between a director or an

2098 officer, or a relative of a director or an officer, and the

2099 association, which is not a timeshare condominium association,

2100 that has not been properly disclosed as a conflict of interest

2101 or potential conflict of interest as required by this section or  
 2102 s. 617.0832 ~~s. 718.111(12)(g)~~ is voidable and terminates upon  
 2103 the filing of a written notice terminating the contract with the  
 2104 board of directors which contains the consent of at least 20  
 2105 percent of the voting interests of the association.

2106 Section 15. Subsection (5) of section 718.303, Florida  
 2107 Statutes, is amended to read:

2108 718.303 Obligations of owners and occupants; remedies.—

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

2126 of voting interests necessary to constitute a quorum, the  
2127 percentage or number of voting interests required to conduct an  
2128 election, or the percentage or number of voting interests  
2129 required to approve an action under this chapter or pursuant to  
2130 the declaration, articles of incorporation, or bylaws. The  
2131 suspension ends upon full payment of all obligations currently  
2132 due or overdue the association. The notice and hearing  
2133 requirements under subsection (3) do not apply to a suspension  
2134 imposed under this subsection.

2135 Section 16. Subsections (1) and (2) of section 718.501,  
2136 Florida Statutes, are amended to read:

2137 718.501 Authority, responsibility, and duties of Division  
2138 of Florida Condominiums, Timeshares, and Mobile Homes.—

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

2151 occurred, the division has jurisdiction to investigate  
2152 complaints related only to financial issues relating to or  
2153 concerning ss. 718.111(4), (13), (14), and (15) and  
2154 718.112(2)(e), (f), and (i); ~~7~~ elections relating to or  
2155 concerning ss. 718.112(2)(b), (d), (l), and (r), 718.128, and  
2156 718.1265(1)(a); ~~and~~ the maintenance of and unit owner access to  
2157 association records relating to or concerning ~~under~~ s.  
2158 718.111(12); the procedural aspects of meetings relating to or  
2159 concerning s. 718.112(2)(b), (c), and (d); disclosure of  
2160 conflicts of interest relating to or concerning ss.  
2161 718.111(1)(a) and (3)(f), 718.112(2)(p) and (q), and 718.3027;  
2162 the procedural completion of structural integrity reserve  
2163 studies relating to or concerning ~~under~~ s. 718.112(2)(g); and  
2164 any written inquiries by unit owners to the association relating  
2165 to such matters.

2166 (a)1. The division may make necessary public or private  
2167 investigations within or outside this state to determine whether  
2168 any person has violated this chapter or any rule or order  
2169 hereunder, to aid in the enforcement of this chapter, or to aid  
2170 in the adoption of rules or forms.

2171 2. The division may submit any official written report,  
2172 worksheet, or other related paper, or a duly certified copy  
2173 thereof, compiled, prepared, drafted, or otherwise made by and  
2174 duly authenticated by a financial examiner or analyst to be  
2175 admitted as competent evidence in any hearing in which the

2176 financial examiner or analyst is available for cross-examination  
2177 and attests under oath that such documents were prepared as a  
2178 result of an examination or inspection conducted pursuant to  
2179 this chapter.

2180 (b) The division may require or permit any person to file  
2181 a statement in writing, under oath or otherwise, as the division  
2182 determines, as to the facts and circumstances concerning a  
2183 matter to be investigated.

2184 (c) For the purpose of any investigation under this  
2185 chapter, the division director or any officer or employee  
2186 designated by the division director may administer oaths or  
2187 affirmations, subpoena witnesses and compel their attendance,  
2188 take evidence, and require the production of any matter which is  
2189 relevant to the investigation, including the existence,  
2190 description, nature, custody, condition, and location of any  
2191 books, documents, or other tangible things and the identity and  
2192 location of persons having knowledge of relevant facts or any  
2193 other matter reasonably calculated to lead to the discovery of  
2194 material evidence. Upon the failure by a person to obey a  
2195 subpoena or to answer questions propounded by the investigating  
2196 officer and upon reasonable notice to all affected persons, the  
2197 division may apply to the circuit court for an order compelling  
2198 compliance.

2199 (d) Notwithstanding any remedies available to unit owners  
2200 and associations, if the division has reasonable cause to

2201 believe that a violation of any provision of this chapter or  
 2202 related rule has occurred, the division may institute  
 2203 enforcement proceedings in its own name against any developer,  
 2204 bulk assignee, bulk buyer, association, officer, or member of  
 2205 the board of administration, or its assignees or agents, as  
 2206 follows:

2207         1. The division may permit a person whose conduct or  
 2208 actions may be under investigation to waive formal proceedings  
 2209 and enter into a consent proceeding whereby orders, rules, or  
 2210 letters of censure or warning, whether formal or informal, may  
 2211 be entered against the person.

2212         2. The division may issue an order requiring the  
 2213 developer, bulk assignee, bulk buyer, association, developer-  
 2214 designated officer, or developer-designated member of the board  
 2215 of administration, developer-designated assignees or agents,  
 2216 bulk assignee-designated assignees or agents, bulk buyer-  
 2217 designated assignees or agents, community association manager,  
 2218 or community association management firm to cease and desist  
 2219 from the unlawful practice and take such affirmative action as  
 2220 in the judgment of the division carry out the purposes of this  
 2221 chapter. If the division finds that a developer, bulk assignee,  
 2222 bulk buyer, association, officer, or member of the board of  
 2223 administration, or its assignees or agents, is violating or is  
 2224 about to violate any provision of this chapter, any rule adopted  
 2225 or order issued by the division, or any written agreement

2226 entered into with the division, and presents an immediate danger  
 2227 to the public requiring an immediate final order, it may issue  
 2228 an emergency cease and desist order reciting with particularity  
 2229 the facts underlying such findings. The emergency cease and  
 2230 desist order is effective for 90 days. If the division begins  
 2231 nonemergency cease and desist proceedings, the emergency cease  
 2232 and desist order remains effective until the conclusion of the  
 2233 proceedings under ss. 120.569 and 120.57.

2234 3. If a developer, bulk assignee, or bulk buyer fails to  
 2235 pay any restitution determined by the division to be owed, plus  
 2236 any accrued interest at the highest rate permitted by law,  
 2237 within 30 days after expiration of any appellate time period of  
 2238 a final order requiring payment of restitution or the conclusion  
 2239 of any appeal thereof, whichever is later, the division must  
 2240 bring an action in circuit or county court on behalf of any  
 2241 association, class of unit owners, lessees, or purchasers for  
 2242 restitution, declaratory relief, injunctive relief, or any other  
 2243 available remedy. The division may also temporarily revoke its  
 2244 acceptance of the filing for the developer to which the  
 2245 restitution relates until payment of restitution is made.

2246 4. The division may petition the court for appointment of  
 2247 a receiver or conservator. If appointed, the receiver or  
 2248 conservator may take action to implement the court order to  
 2249 ensure the performance of the order and to remedy any breach  
 2250 thereof. In addition to all other means provided by law for the

2251 enforcement of an injunction or temporary restraining order, the  
 2252 circuit court may impound or sequester the property of a party  
 2253 defendant, including books, papers, documents, and related  
 2254 records, and allow the examination and use of the property by  
 2255 the division and a court-appointed receiver or conservator.

2256 5. The division may apply to the circuit court for an  
 2257 order of restitution whereby the defendant in an action brought  
 2258 under subparagraph 4. is ordered to make restitution of those  
 2259 sums shown by the division to have been obtained by the  
 2260 defendant in violation of this chapter. At the option of the  
 2261 court, such restitution is payable to the conservator or  
 2262 receiver appointed under subparagraph 4. or directly to the  
 2263 persons whose funds or assets were obtained in violation of this  
 2264 chapter.

2265 6. The division may impose a civil penalty against a  
 2266 developer, bulk assignee, or bulk buyer, or association, or its  
 2267 assignee or agent, for any violation of this chapter or related  
 2268 rule. The division may impose a civil penalty individually  
 2269 against an officer or board member who willfully and knowingly  
 2270 violates this chapter, an adopted rule, or a final order of the  
 2271 division; may order the removal of such individual as an officer  
 2272 or from the board of administration or as an officer of the  
 2273 association; and may prohibit such individual from serving as an  
 2274 officer or on the board of a community association for a period  
 2275 of time. The term "willfully and knowingly" means that the

2276 | division informed the officer or board member that his or her  
2277 | action or intended action violates this chapter, a rule adopted  
2278 | under this chapter, or a final order of the division and that  
2279 | the officer or board member refused to comply with the  
2280 | requirements of this chapter, a rule adopted under this chapter,  
2281 | or a final order of the division. The division, before  
2282 | initiating formal agency action under chapter 120, must afford  
2283 | the officer or board member an opportunity to voluntarily  
2284 | comply, and an officer or board member who complies within 10  
2285 | days is not subject to a civil penalty. A penalty may be imposed  
2286 | on the basis of each day of continuing violation, but the  
2287 | penalty for any offense may not exceed \$5,000. The division  
2288 | shall adopt, by rule, penalty guidelines applicable to possible  
2289 | violations or to categories of violations of this chapter or  
2290 | rules adopted by the division. The guidelines must specify a  
2291 | meaningful range of civil penalties for each such violation of  
2292 | the statute and rules and must be based upon the harm caused by  
2293 | the violation, upon the repetition of the violation, and upon  
2294 | such other factors deemed relevant by the division. For example,  
2295 | the division may consider whether the violations were committed  
2296 | by a developer, bulk assignee, or bulk buyer, or owner-  
2297 | controlled association, the size of the association, and other  
2298 | factors. The guidelines must designate the possible mitigating  
2299 | or aggravating circumstances that justify a departure from the  
2300 | range of penalties provided by the rules. It is the legislative

2301 intent that minor violations be distinguished from those which  
2302 endanger the health, safety, or welfare of the condominium  
2303 residents or other persons and that such guidelines provide  
2304 reasonable and meaningful notice to the public of likely  
2305 penalties that may be imposed for proscribed conduct. This  
2306 subsection does not limit the ability of the division to  
2307 informally dispose of administrative actions or complaints by  
2308 stipulation, agreed settlement, or consent order. All amounts  
2309 collected shall be deposited with the Chief Financial Officer to  
2310 the credit of the Division of Florida Condominiums, Timeshares,  
2311 and Mobile Homes Trust Fund. If a developer, bulk assignee, or  
2312 bulk buyer fails to pay the civil penalty and the amount deemed  
2313 to be owed to the association, the division shall issue an order  
2314 directing that such developer, bulk assignee, or bulk buyer  
2315 cease and desist from further operation until such time as the  
2316 civil penalty is paid or may pursue enforcement of the penalty  
2317 in a court of competent jurisdiction. If an association fails to  
2318 pay the civil penalty, the division shall pursue enforcement in  
2319 a court of competent jurisdiction, and the order imposing the  
2320 civil penalty or the cease and desist order is not effective  
2321 until 20 days after the date of such order. Any action commenced  
2322 by the division shall be brought in the county in which the  
2323 division has its executive offices or in the county in which  
2324 ~~where~~ the violation occurred.

2325 7. If a unit owner presents the division with proof that

2326 | the unit owner has requested access to official records in  
 2327 | writing by certified mail, and that after 10 days the unit owner  
 2328 | again made the same request for access to official records in  
 2329 | writing by certified mail, and that more than 10 days has  
 2330 | elapsed since the second request and the association has still  
 2331 | failed or refused to provide access to official records as  
 2332 | required by this chapter, the division shall issue a subpoena  
 2333 | requiring production of the requested records at the location in  
 2334 | which ~~where~~ the records are kept pursuant to s. 718.112. Upon  
 2335 | receipt of the records, the division must provide to the unit  
 2336 | owner who was denied access to such records the produced  
 2337 | official records without charge.

2338 |         8. In addition to subparagraph 6., the division may seek  
 2339 | the imposition of a civil penalty through the circuit court for  
 2340 | any violation for which the division may issue a notice to show  
 2341 | cause under paragraph (r). The civil penalty shall be at least  
 2342 | \$500 but no more than \$5,000 for each violation. The court may  
 2343 | also award to the prevailing party court costs and reasonable  
 2344 | attorney fees and, if the division prevails, may also award  
 2345 | reasonable costs of investigation.

2346 |         (e) The division may prepare and disseminate a prospectus  
 2347 | and other information to assist prospective owners, purchasers,  
 2348 | lessees, and developers of residential condominiums in assessing  
 2349 | the rights, privileges, and duties pertaining thereto.

2350 |         (f) The division may adopt rules to administer and enforce

2351 | this chapter.

2352 |         (g) The division shall establish procedures for providing  
2353 | notice to an association and the developer, bulk assignee, or  
2354 | bulk buyer during the period in which the developer, bulk  
2355 | assignee, or bulk buyer controls the association if the division  
2356 | is considering the issuance of a declaratory statement with  
2357 | respect to the declaration of condominium or any related  
2358 | document governing such condominium community.

2359 |         (h) The division shall furnish each association that pays  
2360 | the fees required by paragraph (2)(a) a copy of this chapter, as  
2361 | amended, and the rules adopted thereto on an annual basis.

2362 |         (i) The division shall annually provide each association  
2363 | with a summary of declaratory statements and formal legal  
2364 | opinions relating to the operations of condominiums which were  
2365 | rendered by the division during the previous year.

2366 |         (j) The division shall provide training and educational  
2367 | programs for condominium association board members and unit  
2368 | owners. The training may, in the division's discretion, include  
2369 | web-based electronic media and live training and seminars in  
2370 | various locations throughout the state. The division may review  
2371 | and approve education and training programs for board members  
2372 | and unit owners offered by providers and shall maintain a  
2373 | current list of approved programs and providers and make such  
2374 | list available to board members and unit owners in a reasonable  
2375 | and cost-effective manner. The division shall provide to

2376 directors of the board of administration at no charge the  
2377 educational curriculum required under s. 718.112(2)(d) and issue  
2378 a certificate of satisfactory completion, including when the  
2379 required educational curriculum is provided by a division-  
2380 approved condominium education provider.

2381 (k) The division shall maintain a toll-free telephone  
2382 number accessible to condominium unit owners.

2383 (l) The division shall develop a program to certify both  
2384 volunteer and paid mediators to provide mediation of condominium  
2385 disputes. The division shall provide, upon request, a list of  
2386 such mediators to any association, unit owner, or other  
2387 participant in alternative dispute resolution proceedings under  
2388 s. 718.1255 requesting a copy of the list. The division shall  
2389 include on the list of volunteer mediators only the names of  
2390 persons who have received at least 20 hours of training in  
2391 mediation techniques or who have mediated at least 20 disputes.  
2392 In order to become initially certified by the division, paid  
2393 mediators must be certified by the Supreme Court to mediate  
2394 court cases in county or circuit courts. However, the division  
2395 may adopt, by rule, additional factors for the certification of  
2396 paid mediators, which must be related to experience, education,  
2397 or background. Any person initially certified as a paid mediator  
2398 by the division must, in order to continue to be certified,  
2399 comply with the factors or requirements adopted by rule.

2400 (m) If a complaint is made, the division must conduct its

2401 inquiry with due regard for the interests of the affected  
2402 parties. Within 30 days after receipt of a complaint, the  
2403 division shall acknowledge the complaint in writing and notify  
2404 the complainant whether the complaint is within the jurisdiction  
2405 of the division and whether additional information is needed by  
2406 the division from the complainant. The division shall conduct  
2407 its investigation and, within 90 days after receipt of the  
2408 original complaint or of timely requested additional  
2409 information, take action upon the complaint. However, the  
2410 failure to complete the investigation within 90 days does not  
2411 prevent the division from continuing the investigation,  
2412 accepting or considering evidence obtained or received after 90  
2413 days, or taking administrative action if reasonable cause exists  
2414 to believe that a violation of this chapter or a rule has  
2415 occurred. If an investigation is not completed within the time  
2416 limits established in this paragraph, the division shall, on a  
2417 monthly basis, notify the complainant in writing of the status  
2418 of the investigation. When reporting its action to the  
2419 complainant, the division shall inform the complainant of any  
2420 right to a hearing under ss. 120.569 and 120.57. The division  
2421 may adopt rules regarding the submission of a complaint against  
2422 an association.

2423 (n) Condominium association directors, officers, and  
2424 employees; condominium developers; bulk assignees, bulk buyers,  
2425 and community association managers; and community association

2426 management firms have an ongoing duty to reasonably cooperate  
 2427 with the division in any investigation under this section. The  
 2428 division shall refer to local law enforcement authorities any  
 2429 person whom the division believes has altered, destroyed,  
 2430 concealed, or removed any record, document, or thing required to  
 2431 be kept or maintained by this chapter with the purpose to impair  
 2432 its verity or availability in the department's investigation.  
 2433 The division shall refer to local law enforcement authorities  
 2434 any person whom the division believes has engaged in fraud,  
 2435 theft, embezzlement, or other criminal activity or when the  
 2436 division has cause to believe that fraud, theft, embezzlement,  
 2437 or other criminal activity has occurred.

2438 (o) The division director or any officer or employee of  
 2439 the division and the condominium ombudsman or any employee of  
 2440 the Office of the Condominium Ombudsman may attend and observe  
 2441 any meeting of the board of administration or unit owner  
 2442 meeting, including any meeting of a subcommittee or special  
 2443 committee, which is open to members of the association for the  
 2444 purpose of performing the duties of the division or the Office  
 2445 of the Condominium Ombudsman under this chapter.

2446 (p)~~(o)~~ The division may:

- 2447 1. Contract with agencies in this state or other
- 2448 jurisdictions to perform investigative functions; or
- 2449 2. Accept grants-in-aid from any source.

2450 (q)~~(p)~~ The division shall cooperate with similar agencies

2451 in other jurisdictions to establish uniform filing procedures  
2452 and forms, public offering statements, advertising standards,  
2453 and rules and common administrative practices.

2454 (r)~~(q)~~ The division shall consider notice to a developer,  
2455 bulk assignee, or bulk buyer to be complete when it is delivered  
2456 to the address of the developer, bulk assignee, or bulk buyer  
2457 currently on file with the division.

2458 (s)~~(r)~~ In addition to its enforcement authority, the  
2459 division may issue a notice to show cause, which must provide  
2460 for a hearing, upon written request, in accordance with chapter  
2461 120.

2462 (t) The division shall routinely conduct random audits of  
2463 condominium associations to determine compliance with the  
2464 website or application requirements for official records under  
2465 s. 718.111(12)(g).

2466 (u)~~(s)~~ The division shall submit to the Governor, the  
2467 President of the Senate, the Speaker of the House of  
2468 Representatives, and the chairs of the legislative  
2469 appropriations committees an annual report that includes, but  
2470 need not be limited to, the number of training programs provided  
2471 for condominium association board members and unit owners, the  
2472 number of complaints received by type, the number and percent of  
2473 complaints acknowledged in writing within 30 days and the number  
2474 and percent of investigations acted upon within 90 days in  
2475 accordance with paragraph (m), and the number of investigations

2476 | exceeding the 90-day requirement. The annual report must also  
2477 | include an evaluation of the division's core business processes  
2478 | and make recommendations for improvements, including statutory  
2479 | changes. The report shall be submitted by September 30 following  
2480 | the end of the fiscal year.

2481 |       (2) (a) Each condominium association that ~~which~~ operates  
2482 | more than two units shall pay to the division an annual fee in  
2483 | the amount of \$4 for each residential unit in condominiums  
2484 | operated by the association. The annual fee shall be filed  
2485 | together with the annual certification described in paragraph  
2486 | (c). If the fee is not paid by March 1, the association shall be  
2487 | assessed a penalty of 10 percent of the amount due, and the  
2488 | association will not have standing to maintain or defend any  
2489 | action in the courts of this state until the amount due, plus  
2490 | any penalty, is paid.

2491 |       (b) All fees shall be deposited in the Division of Florida  
2492 | Condominiums, Timeshares, and Mobile Homes Trust Fund as  
2493 | provided by law.

2494 |       (c) On the certification form provided by the division,  
2495 | the directors of the association shall certify that each  
2496 | director of the association has completed the written  
2497 | certification and educational certificate requirements in s.  
2498 | 718.112 (2) (d) 4.b.

2499 |       Section 17. Subsection (2) of section 718.5011, Florida  
2500 | Statutes, is amended to read:

2501           718.5011 Ombudsman; appointment; administration.—  
 2502           (2) The secretary of the Department of Business and  
 2503 Professional Regulation ~~Governor~~ shall appoint the ombudsman.  
 2504 The ombudsman ~~must be an attorney admitted to practice before~~  
 2505 ~~the Florida Supreme Court and~~ shall serve at the pleasure of the  
 2506 Governor. A vacancy in the office shall be filled in the same  
 2507 manner as the original appointment. An officer or full-time  
 2508 employee of the ombudsman's office may not actively engage in  
 2509 any other business or profession that directly or indirectly  
 2510 relates to or conflicts with his or her work in the ombudsman's  
 2511 office; serve as the representative of any political party,  
 2512 executive committee, or other governing body of a political  
 2513 party; serve as an executive, officer, or employee of a  
 2514 political party; receive remuneration for activities on behalf  
 2515 of any candidate for public office; or engage in soliciting  
 2516 votes or other activities on behalf of a candidate for public  
 2517 office. The ombudsman or any employee of his or her office may  
 2518 not become a candidate for election to public office unless he  
 2519 or she first resigns from his or her office or employment.

2520           Section 18. Paragraph (k) of subsection (1) of section  
 2521 719.106, Florida Statutes, is amended to read:  
 2522           719.106 Bylaws; cooperative ownership.—  
 2523           (1) MANDATORY PROVISIONS.—The bylaws or other cooperative  
 2524 documents shall provide for the following, and if they do not,  
 2525 they shall be deemed to include the following:

2526 (k) *Structural integrity reserve study.*—

2527 1. A residential cooperative association must have a  
2528 structural integrity reserve study completed at least every 10  
2529 years for each building on the cooperative property that is  
2530 three stories or higher in height, as determined by the Florida  
2531 Building Code, that includes, at a minimum, a study of the  
2532 following items as related to the structural integrity and  
2533 safety of the building:

2534 a. Roof.

2535 b. Structure, including load-bearing walls and other  
2536 primary structural members and primary structural systems as  
2537 those terms are defined in s. 627.706.

2538 c. Fireproofing and fire protection systems.

2539 d. Plumbing.

2540 e. Electrical systems.

2541 f. Waterproofing and exterior painting.

2542 g. Windows and exterior doors.

2543 h. Any other item that has a deferred maintenance expense  
2544 or replacement cost that exceeds \$10,000 and the failure to  
2545 replace or maintain such item negatively affects the items  
2546 listed in sub-subparagraphs a.-g., as determined by the visual  
2547 inspection portion of the structural integrity reserve study.

2548 2. A structural integrity reserve study is based on a  
2549 visual inspection of the cooperative property. A structural  
2550 integrity reserve study may be performed by any person qualified

2551 to perform such study. However, the visual inspection portion of  
2552 the structural integrity reserve study must be performed or  
2553 verified by an engineer licensed under chapter 471, an architect  
2554 licensed under chapter 481, or a person certified as a reserve  
2555 specialist or professional reserve analyst by the Community  
2556 Associations Institute or the Association of Professional  
2557 Reserve Analysts.

2558         3. At a minimum, a structural integrity reserve study must  
2559 identify each item of the cooperative property being visually  
2560 inspected, state the estimated remaining useful life and the  
2561 estimated replacement cost or deferred maintenance expense of  
2562 each item of the cooperative property being visually inspected,  
2563 and provide a reserve funding schedule with a recommended annual  
2564 reserve amount that achieves the estimated replacement cost or  
2565 deferred maintenance expense of each item of cooperative  
2566 property being visually inspected by the end of the estimated  
2567 remaining useful life of the item. The structural integrity  
2568 reserve study may recommend that reserves do not need to be  
2569 maintained for any item for which an estimate of useful life and  
2570 an estimate of replacement cost cannot be determined, or the  
2571 study may recommend a deferred maintenance expense amount for  
2572 such item. The structural integrity reserve study may recommend  
2573 that reserves for replacement costs do not need to be maintained  
2574 for any item with an estimated remaining useful life of greater  
2575 than 25 years, but the study may recommend a deferred

2576 maintenance expense amount for such item.

2577 4. This paragraph does not apply to buildings less than  
 2578 three stories in height; single-family, two-family, or three-  
 2579 family dwellings with three or fewer habitable stories above  
 2580 ground; any portion or component of a building that has not been  
 2581 submitted to the cooperative form of ownership; or any portion  
 2582 or component of a building that is maintained by a party other  
 2583 than the association.

2584 5. Before a developer turns over control of an association  
 2585 to unit owners other than the developer, the developer must have  
 2586 a turnover inspection report in compliance with s. 719.301(4) (p)  
 2587 and (q) for each building on the cooperative property that is  
 2588 three stories or higher in height.

2589 6. Associations existing on or before July 1, 2022, which  
 2590 are controlled by unit owners other than the developer, must  
 2591 have a structural integrity reserve study completed by December  
 2592 31, 2024, for each building on the cooperative property that is  
 2593 three stories or higher in height. An association that is  
 2594 required to complete a milestone inspection on or before  
 2595 December 31, 2026, in accordance with s. 553.899 may complete  
 2596 the structural integrity reserve study simultaneously with the  
 2597 milestone inspection. In no event may the structural integrity  
 2598 reserve study be completed after December 31, 2026.

2599 7. If the milestone inspection required by s. 553.899, or  
 2600 an inspection completed for a similar local requirement, was

2601 performed within the past 5 years and meets the requirements of  
2602 this paragraph, such inspection may be used in place of the  
2603 visual inspection portion of the structural integrity reserve  
2604 study.

2605 8. If the officers or directors of an association  
2606 willfully and knowingly fail to complete a structural integrity  
2607 reserve study pursuant to this paragraph, such failure is a  
2608 breach of an officer's and director's fiduciary relationship to  
2609 the unit owners under s. 719.104(9).

2610 9. Within 45 days after receiving the structural integrity  
2611 reserve study, the association must distribute a copy of the  
2612 study to each unit owner or deliver to each unit owner a notice  
2613 that the completed study is available for inspection and copying  
2614 upon a written request. Distribution of a copy of the study or  
2615 notice must be made by United States mail or personal delivery  
2616 at the mailing address, property address, or any other address  
2617 of the owner provided to fulfill the association's notice  
2618 requirements under this chapter, or by electronic transmission  
2619 to the e-mail address or facsimile number provided to fulfill  
2620 the association's notice requirements to unit owners who  
2621 previously consented to receive notice by electronic  
2622 transmission.

2623 Section 19. Paragraph (p) of subsection (4) of section  
2624 719.301, Florida Statutes, is amended to read:

2625 719.301 Transfer of association control.-

2626 (4) When unit owners other than the developer elect a  
 2627 majority of the members of the board of administration of an  
 2628 association, the developer shall relinquish control of the  
 2629 association, and the unit owners shall accept control.  
 2630 Simultaneously, or for the purpose of paragraph (c) not more  
 2631 than 90 days thereafter, the developer shall deliver to the  
 2632 association, at the developer's expense, all property of the  
 2633 unit owners and of the association held or controlled by the  
 2634 developer, including, but not limited to, the following items,  
 2635 if applicable, as to each cooperative operated by the  
 2636 association:

2637 (p) Notwithstanding when the certificate of occupancy was  
 2638 issued or the height of the building, a turnover inspection  
 2639 report included in the official records, under seal of an  
 2640 architect or engineer authorized to practice in this state or a  
 2641 person certified as a reserve specialist or professional reserve  
 2642 analyst by the Community Associations Institute or the  
 2643 Association of Professional Reserve Analysts, consisting of a  
 2644 structural integrity reserve study attesting to required  
 2645 maintenance, condition, useful life, and replacement costs of  
 2646 the following applicable cooperative property:

- 2647 1. Roof.
- 2648 2. Structure, including load-bearing walls and primary  
 2649 structural members and primary structural systems as those terms  
 2650 are defined in s. 627.706.

- 2651 3. Fireproofing and fire protection systems.
- 2652 4. Plumbing.
- 2653 5. Electrical systems.
- 2654 6. Waterproofing and exterior painting.
- 2655 7. Windows and exterior doors.

2656 Section 20. The Division of Florida Condominiums,  
 2657 Timeshares, and Mobile Homes of the Department of Business and  
 2658 Professional Regulation shall complete a review of the website  
 2659 or application requirements for official records under s.  
 2660 718.111(12)(g), Florida Statutes, and make recommendations  
 2661 regarding any additional official records of a condominium  
 2662 association that should be included in the record maintenance  
 2663 requirement in the statute. The division shall submit to the  
 2664 Governor, the President of the Senate, the Speaker of the House  
 2665 of Representatives, and the chairs of the legislative  
 2666 appropriations committees and appropriate substantive committees  
 2667 with jurisdiction over chapter 718, Florida Statutes, the  
 2668 findings of its review by February 1, 2025.

2669 Section 21. For the 2024-2025 fiscal year, the sums of  
 2670 \$6,122,390 in recurring and \$1,293,879 in nonrecurring funds  
 2671 from the General Revenue Fund are appropriated to the Department  
 2672 of Business and Professional Regulation, and 65 full-time  
 2673 equivalent positions with associated salary rate of 3,180,319  
 2674 are authorized, for the purpose of implementing this act.

2675 Section 22. Except as otherwise expressly provided in this

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2024

2676 | act, this act shall take effect July 1, 2024. |