

26 bids for goods or services under certain
27 circumstances; providing requirements for an
28 association to approve any activity and contracts that
29 are a conflict of interest; providing that a conflict
30 of interest in a contract which has been previously
31 disclosed must to be noticed and voted on upon its
32 renewal, but not during the term of the contract;
33 authorizing certain contracts to be canceled, subject
34 to certain requirements; specifying liability and
35 nonliability of the association upon cancellation of
36 such a contract; authorizing an association to cancel
37 a contract if certain conflicts were not disclosed;
38 specifying liability and nonliability of the
39 association upon cancellation of a contract; defining
40 the term "relative"; reenacting and amending s.
41 468.436, F.S.; revising the list of grounds for which
42 the Department of Business and Professional Regulation
43 may take disciplinary actions against community
44 association managers or community association firms;
45 amending s. 553.899, F.S.; exempting certain four-
46 family dwellings from requiring a milestone inspection
47 and milestone inspection report; amending s. 718.103,
48 F.S.; revising and providing definitions; amending s.
49 718.104, F.S.; providing requirements for the
50 declaration of specified condominiums; requiring

51 | declarations to specify the entity responsible for the
52 | installation, maintenance, repair, or replacement of
53 | hurricane protection; amending s. 718.111, F.S.;

54 | providing criminal penalties for any officer,
55 | director, or manager of an association who unlawfully
56 | solicits, offers to accept, or accepts a kickback;
57 | requiring such officers, directors, or managers to be
58 | removed from office and a vacancy declared; revising
59 | the list of records that constitute the official
60 | records of an association; providing requirements
61 | relating to e-mail addresses and facsimile numbers of
62 | unit owners; requiring an association to redact
63 | certain personal information in certain documents;
64 | providing an exception to liability for the release of
65 | certain information; revising maintenance requirements
66 | for official records; revising requirements regarding
67 | requests to inspect or copy association records;
68 | requiring an association to provide a checklist in
69 | response to certain records requests; providing a
70 | rebuttable presumption and criminal penalties;
71 | requiring certain persons to be removed from office
72 | and a vacancy declared under certain circumstances;
73 | defining the term "repeatedly"; requiring copies of
74 | certain building permits be posted on an association's
75 | website or application; modifying the method of

76 delivery of certain financial reports to unit owners;
 77 revising circumstances under which an association may
 78 prepare certain reports; revising criminal penalties
 79 for persons who unlawfully use a debit card issued in
 80 the name of an association; requiring certain persons
 81 to be removed from office and a vacancy declared under
 82 certain circumstances; defining the term "lawful
 83 obligation of the association"; revising the threshold
 84 for associations that must post certain documents on
 85 its website or through an application; amending s.
 86 718.112, F.S.; requiring the boards of certain
 87 associations to meet at least once every quarter;
 88 revising requirements regarding notice of such
 89 meetings; requiring a director to complete an
 90 educational requirement within a specified time period
 91 before or after election or appointment to the board;
 92 providing requirements for the educational curriculum;
 93 providing transitional provisions; requiring a
 94 director to complete a certain amount of continuing
 95 education each year relating to changes in the law;
 96 requiring the secretary of the association to maintain
 97 certain information for inspection for a specified
 98 number of years; authorizing members of an association
 99 to pause the contribution to reserves or reduce
 100 reserves under certain circumstances and for a limited

101 time; authorizing the board to expend reserve account
102 funds to make the condominium building and structures
103 habitable; requiring an association to distribute or
104 deliver copies of a structural integrity reserve study
105 to unit owners within a specified timeframe;
106 specifying the manner of distribution or delivery;
107 requiring an association to provide a specified
108 statement to the Division of Florida Condominiums,
109 Timeshares, and Mobile Homes within a specified
110 timeframe; revising the circumstances under which a
111 director or an officer must be removed from office
112 after being charged by information or indictment of
113 certain crimes; prohibiting such officers and
114 directors with pending criminal charges from accessing
115 the official records of any association; providing an
116 exception; providing criminal penalties for certain
117 fraudulent voting activities relating to association
118 elections; amending s. 718.113, F.S.; providing
119 applicability; specifying that certain actions are not
120 material alterations or substantial additions;
121 authorizing the boards of residential and mixed-use
122 condominiums to install or require unit owners to
123 install hurricane protection; requiring a vote of the
124 unit owners for the installation of hurricane
125 protection; requiring that such vote be attested to in

126 a certificate and recorded in certain public records;
127 requiring the board to provide, in various manners, to
128 the unit owners a copy of the recorded certificate;
129 providing that the validity or enforceability of a
130 vote is not affected if the board fails to take
131 certain actions; providing that a vote of the unit
132 owners is not required under certain circumstances;
133 prohibiting installation of the same type of hurricane
134 protection previously installed; providing exceptions;
135 prohibiting the boards of residential and mixed-use
136 condominiums from refusing to approve certain
137 hurricane protections; authorizing the board to
138 require owners to adhere to certain guidelines
139 regarding the external appearance of a condominium;
140 revising responsibility for the cost of the removal or
141 reinstallation of hurricane protection, including
142 exterior windows, doors, or apertures; prohibiting the
143 association from charging certain expenses to unit
144 owners; requiring reimbursement or a credit toward
145 future assessments to the unit owner in certain
146 circumstances; authorizing the association to collect
147 certain charges and specifying that such charges are
148 enforceable as assessments under certain
149 circumstances; amending s. 718.115, F.S.; specifying
150 when the cost of installation of hurricane protection

151 is not a common expense; authorizing certain expenses
152 to be enforceable as assessments; requiring certain
153 unit owners to be excused from certain assessments or
154 to receive a credit for hurricane protection that has
155 been installed; providing credit applicability under
156 certain circumstances; providing for the amount of
157 credit that a unit owner must receive; specifying that
158 certain expenses are common expenses; amending s.
159 718.121, F.S.; conforming a cross-reference; amending
160 s. 718.124, F.S.; providing the statute of limitations
161 and repose for certain actions; amending s. 718.1224,
162 F.S.; revising legislative findings and intent;
163 revising the definition of the term "governmental
164 entity"; prohibiting an association from filing
165 strategic lawsuits, taking certain actions against
166 unit owners, and expending funds to support certain
167 actions; amending s. 718.128, F.S.; providing that a
168 unit owner may consent to electronic voting
169 electronically; providing that a board must honor a
170 unit owner's request to vote electronically until the
171 owner opts out; amending s. 718.202, F.S.; providing
172 sales and reservation deposit requirements for
173 nonresidential condominiums; amending s. 718.301,
174 F.S.; requiring developers to deliver a structural
175 integrity reserve report to an association upon

176 | relinquishing control of the association; amending s.
177 | 718.3027, F.S.; revising requirements regarding
178 | attendance at a board meeting in the event of a
179 | conflict of interest; modifying circumstances under
180 | which a contract may be voided; revising a cross-
181 | reference; amending s. 718.303, F.S.; requiring an
182 | association to provide certain notice to a unit owner
183 | by a specified time before an election; creating s.
184 | 718.407, F.S.; authorizing a condominium to be created
185 | within a portion of a building or within a multiple
186 | parcel building; specifying that the common elements
187 | are only those portions of the building submitted to
188 | the condominium form of ownership; providing
189 | requirements for the declaration of such condominiums
190 | and other certain recorded instruments; providing for
191 | the apportionment of expenses for such condominiums;
192 | authorizing the association to inspect and copy
193 | certain books and records; requiring a specified
194 | disclosure summary for contracts of sale for a unit in
195 | certain condominiums; providing that the creation of a
196 | multiple parcel building is not a subdivision of the
197 | land; amending s. 718.501, F.S.; revising
198 | circumstances under which the division has
199 | jurisdiction to investigate and enforce complaints
200 | relating to certain matters; requiring that the

201 division provide official records, without charge, to
202 a unit owner denied access; authorizing the division
203 to issue certain citations; requiring the division to
204 provide a division-approved training provider with the
205 template for the certificate issued to certain
206 directors of a board of administration; requiring that
207 the division refer suspected criminal acts to the
208 appropriate law enforcement authority; authorizing
209 certain division officials to attend association
210 meetings; authorizing the division to request access
211 to an association's website or application to
212 investigate complaints under certain circumstances;
213 requiring the division to include certain information
214 in its annual report to the Governor and Legislature
215 after a specified date; specifying requirements for
216 the annual certification; authorizing the division to
217 adopt rules; providing applicability; amending s.
218 718.5011, F.S.; providing that the secretary of the
219 Department of Business and Professional Regulation,
220 rather than the Governor, appoints the condominium
221 ombudsman; amending s. 718.503, F.S.; requiring
222 nondeveloper unit owners to include an annual
223 financial statement and annual budget in information
224 provided to a prospective purchaser; requiring certain
225 disclosures be made if a unit is located in a

226 specified type of condominium; amending s. 718.504,
227 F.S.; requiring certain information provided to
228 prospective purchasers to state whether the
229 condominium is created within a portion of a building
230 or within a multiple parcel building; amending s.
231 719.106, F.S.; requiring an association to distribute
232 or deliver copies of a structural integrity reserve
233 study to unit owners within a specified timeframe;
234 specifying the manner of distribution or delivery;
235 requiring an association to provide a specified
236 statement to the division within a specified
237 timeframe; amending s. 719.301, F.S.; requiring
238 developers to deliver a structural integrity reserve
239 study to a cooperative association upon relinquishing
240 control of association property; requiring the
241 division to conduct a review of statutory requirements
242 regarding posting of official records on a condominium
243 association's website or application; requiring the
244 division to submit its findings, including any
245 recommendations, to the Governor and the Legislature
246 by a specified date; requiring the division to create
247 a database on its website with certain information by
248 a date certain; providing appropriations; providing
249 construction and retroactive application; providing
250 effective dates.

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

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

468.4334 Professional practice standards; liability.—

(3) A community association manager or a community association management firm shall return all community association official records within its possession to the community association within 20 business days after termination of a contractual agreement to provide community association management services to the community association or receipt of a written request for return of the official records, whichever occurs first. A notice of termination of a contractual agreement to provide community association management services must be sent by certified mail, return receipt requested, or in the manner required under such contractual agreement. The community association manager or community association management firm may retain, for up to 20 business days, those records necessary to complete an ending financial statement or report. If an association fails to provide access to or retention of the accounting records to prepare an ending financial statement or report, the community association manager or community association management firm is relieved from any further responsibility or liability relating to the preparation of such

276 ending financial statement or report. Failure of a community
277 association manager or a community association management firm
278 to timely return all of the official records within its
279 possession to the community association creates a rebuttable
280 presumption that the community association manager or community
281 association management firm willfully failed to comply with this
282 subsection. A community association manager or a community
283 association management firm that fails to timely return
284 community association records is subject to suspension of its
285 license under s. 468.436, and a civil penalty of \$1,000 per day
286 for up to 10 business days, assessed beginning on the 21st
287 business day after termination of a contractual agreement to
288 provide community association management services to the
289 community association or receipt of a written request from the
290 association for return of the records, whichever occurs first.
291 However, for a timeshare plan created under chapter 721, the
292 time periods provided in s. 721.14(4)(b) apply.

293 Section 2. Section 468.4335, Florida Statutes, is created
294 to read:

295 468.4335 Conflicts of interest.-

296 (1) A community association manager or a community
297 association management firm, including directors, officers, and
298 persons with a financial interest in a community association
299 management firm, or a relative of such persons, must disclose to
300 the board of a community association any activity that may

301 reasonably be construed to be a conflict of interest. A
 302 rebuttable presumption of a conflict of interest exists if any
 303 of the following occurs without prior notice:

304 (a) A community association manager or a community
 305 association management firm, including directors, officers, and
 306 persons with a financial interest in a community association
 307 management firm, or a relative of such persons, enters into a
 308 contract for goods or services with the association.

309 (b) A community association manager or a community
 310 association management firm, including directors, officers, and
 311 persons with a financial interest in a community association
 312 management firm, or a relative of such persons, holds an
 313 interest in or receives compensation or any thing of value from
 314 a corporation, limited liability corporation, partnership,
 315 limited liability partnership, or other business entity that
 316 conducts business with the association or proposes to enter into
 317 a contract or other transaction with the association.

318 (2) If the association receives and considers a bid that
 319 exceeds \$2,500 to provide a good or service, other than
 320 community association management services, from a community
 321 association manager or a community association management firm,
 322 including directors, officers, and persons with a financial
 323 interest in a community association management firm, or a
 324 relative of such persons, the association must solicit multiple
 325 bids from other third-party providers of such goods or services.

326 (3) If a community association manager or a community
327 association management firm, including directors, officers, and
328 persons with a financial interest in a community association
329 management firm, or a relative of such persons, proposes to
330 engage in an activity that is a conflict of interest as
331 described in subsection (1), the proposed activity must be
332 listed on, and all contracts and transactional documents related
333 to the proposed activity must be attached to, the meeting agenda
334 of the next board of administration meeting. The disclosures of
335 a possible conflict of interest must be entered into the written
336 minutes of the meeting. Approval of the contract, including a
337 management contract between the community association and the
338 community association manager or community association
339 management firm, or other transaction requires an affirmative
340 vote of two-thirds of all directors present. At the next regular
341 or special meeting of the members, the existence of the conflict
342 of interest and the contract or other transaction must be
343 disclosed to the members. If a community association manager or
344 community association management firm has previously disclosed a
345 conflict of interest in an existing management contract entered
346 into between the board of directors and the community
347 association manager or community association management firm,
348 the conflict of interest does not need to be additionally
349 noticed and voted on during the term of such management
350 contract, but, upon renewal, must be noticed and voted on in

351 accordance with this subsection.

352 (4) If the board finds that a community association
353 manager or a community association management firm, including
354 directors, officers, and persons with a financial interest in a
355 community association management firm, or a relative of such
356 persons, has violated this section, the association may cancel
357 its community association management contract with the community
358 association manager or the community association management
359 firm. If the contract is canceled, the association is liable
360 only for the reasonable value of the management services
361 provided up to the time of cancellation and is not liable for
362 any termination fees, liquidated damages, or other form of
363 penalty for such cancellation.

364 (5) If an association enters into a contract with a
365 community association manager or a community association
366 management firm, including directors, officers, and persons with
367 a financial interest in a community association management firm,
368 or a relative of such persons, which is a party to or has an
369 interest in an activity that is a possible conflict of interest
370 as described in subsection (1) and such activity has not been
371 properly disclosed as a conflict of interest or potential
372 conflict of interest as required by this section, the contract
373 is voidable and terminates upon the association filing a written
374 notice terminating the contract with its board of directors
375 which contains the consent of at least 20 percent of the voting

376 interests of the association.

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

380 Section 3. Paragraph (b) of subsection (2) of section
 381 468.436, Florida Statutes, is amended, and subsection (4) of
 382 that section is reenacted, to read:

383 468.436 Disciplinary proceedings.—

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

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

387 2. Violation of any lawful order or rule rendered or
 388 adopted by the department or the council.

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

391 4. Obtaining a license or certification or any other
 392 order, ruling, or authorization by means of fraud,
 393 misrepresentation, or concealment of material facts.

394 5. Committing acts of gross misconduct or gross negligence
 395 in connection with the profession.

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

399 7. Failing to disclose any conflict of interest as
 400 required by s. 468.4335.

401 8.7. Violating ~~any provision of~~ chapter 718, chapter 719,
 402 or chapter 720 during the course of performing community
 403 association management services pursuant to a contract with a
 404 community association as defined in s. 468.431(1).

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

409 (a) Denial of an application for licensure.

410 (b) Revocation or suspension of a license.

411 (c) Imposition of an administrative fine not to exceed
 412 \$5,000 for each count or separate offense.

413 (d) Issuance of a reprimand.

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

417 (f) Restriction of the authorized scope of practice by the
 418 community association manager.

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

421 553.899 Mandatory structural inspections for condominium
 422 and cooperative buildings.—

423 (4) The milestone inspection report must be arranged by a
 424 condominium or cooperative association and any owner of any
 425 portion of the building which is not subject to the condominium

426 or cooperative form of ownership. The condominium association or
 427 cooperative association and any owner of any portion of the
 428 building which is not subject to the condominium or cooperative
 429 form of ownership are each responsible for ensuring compliance
 430 with the requirements of this section. The condominium
 431 association or cooperative association is responsible for all
 432 costs associated with the milestone inspection attributable to
 433 the portions of a building which the association is responsible
 434 to maintain under the governing documents of the association.
 435 This section does not apply to a single-family, two-family, ~~or~~
 436 three-family, or four-family dwelling with three or fewer
 437 habitable stories above ground.

438 Section 5. Subsections (19) through (32) of section
 439 718.103, Florida Statutes, are renumbered as subsections (21)
 440 through (34), respectively, subsection (14) is amended, and new
 441 subsections (19) and (20) are added to that section, to read:

442 718.103 Definitions.—As used in this chapter, the term:

443 (14) "Condominium property" means the lands, leaseholds,
 444 and improvements, any ~~and~~ personal property, and all easements
 445 and rights appurtenant thereto, regardless of whether
 446 contiguous, which ~~that~~ are subjected to condominium ownership,
 447 ~~whether or not contiguous, and all improvements thereon and all~~
 448 ~~easements and rights appurtenant thereto intended for use in~~
 449 ~~connection with the condominium.~~

450 (19) "Hurricane protection" means hurricane shutters,

451 impact glass, code-compliant windows or doors, and other code-
452 compliant hurricane protection products used to preserve and
453 protect the condominium property or association property.

454 (20) "Kickback" means any thing or service of value, for
455 which consideration has not been provided, for an officer's, a
456 director's, or a manager's own benefit or that of his or her
457 immediate family, from any person providing or proposing to
458 provide goods or services to the association.

459 Section 6. Paragraph (b) of subsection (4) of section
460 718.104, Florida Statutes, is amended, and paragraph (p) is
461 added to that subsection, to read:

462 718.104 Creation of condominiums; contents of
463 declaration.—Every condominium created in this state shall be
464 created pursuant to this chapter.

465 (4) The declaration must contain or provide for the
466 following matters:

467 (b) The name by which the condominium property is to be
468 identified, which shall include the word "condominium" or be
469 followed by the words "a condominium." Condominiums created
470 within a portion of a building or within a multiple parcel
471 building must include the name by which the condominium is to be
472 identified and be followed by "a condominium within a portion of
473 a building or within a multiple parcel building."

474 (p) For both residential condominiums and mixed-use
475 condominiums, a statement that specifies whether the unit owner

476 or the association is responsible for the installation,
477 maintenance, repair, or replacement of hurricane protection that
478 is for the preservation and protection of the condominium
479 property and association property.

480 Section 7. Paragraph (a) of subsection (1) and subsections
481 (12), (13), and (15) of section 718.111, Florida Statutes, are
482 amended to read:

483 718.111 The association.—

484 (1) CORPORATE ENTITY.—

485 (a) The operation of the condominium shall be by the
486 association, which must be a Florida corporation for profit or a
487 Florida corporation not for profit. However, any association
488 which was in existence on January 1, 1977, need not be
489 incorporated. The owners of units shall be shareholders or
490 members of the association. The officers and directors of the
491 association have a fiduciary relationship to the unit owners. It
492 is the intent of the Legislature that nothing in this paragraph
493 shall be construed as providing for or removing a requirement of
494 a fiduciary relationship between any manager employed by the
495 association and the unit owners. An officer, a director, or a
496 manager may not solicit, offer to accept, or accept a ~~any thing~~
497 ~~or service of value or kickback for which consideration has not~~
498 ~~been provided for his or her own benefit or that of his or her~~
499 ~~immediate family, from any person providing or proposing to~~
500 ~~provide goods or services to the association.~~ Any such officer,

501 director, or manager who knowingly so solicits, offers to
502 accept, or accepts a ~~any thing or service of value or kickback~~
503 ~~commits a felony of the third degree, punishable as provided in~~
504 s. 775.082, s. 775.083, or s. 775.084, is subject to a civil
505 penalty pursuant to s. 718.501(1)(e), and must be removed from
506 office and a vacancy declared ~~s. 718.501(1)(d) and, if~~
507 ~~applicable, a criminal penalty as provided in paragraph (d).~~
508 However, this paragraph does not prohibit an officer, a
509 director, or a manager from accepting services or items received
510 in connection with trade fairs or education programs. An
511 association may operate more than one condominium.

512 (12) OFFICIAL RECORDS.—

513 (a) From the inception of the association, the association
514 shall maintain each of the following items, if applicable, which
515 constitutes the official records of the association:

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

518 2. A photocopy of the recorded declaration of condominium
519 of each condominium operated by the association and each
520 amendment to each declaration.

521 3. A photocopy of the recorded bylaws of the association
522 and each amendment to the bylaws.

523 4. A certified copy of the articles of incorporation of
524 the association, or other documents creating the association,
525 and each amendment thereto.

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

527 6. A book or books that contain the minutes of all

528 meetings of the association, the board of administration, and

529 the unit owners.

530 7. A current roster of all unit owners and their mailing

531 addresses, unit identifications, voting certifications, and, if

532 known, telephone numbers. The association shall also maintain

533 the e-mail addresses and facsimile numbers of unit owners

534 consenting to receive notice by electronic transmission. ~~The e-~~

535 ~~mail addresses and facsimile numbers are not accessible to unit~~

536 ~~owners if consent to receive notice by electronic transmission~~

537 ~~is not provided~~ In accordance with sub-subparagraph (c)5.e., the

538 e-mail addresses and facsimile numbers are only accessible to

539 unit owners if consent to receive notice by electronic

540 transmission is provided, or if the unit owner has expressly

541 indicated that such personal information can be shared with

542 other unit owners and the unit owner has not provided the

543 association with a request to opt out of such dissemination with

544 other unit owners. An association must ensure that the e-mail

545 addresses and facsimile numbers are only used for the business

546 operation of the association and may not be sold or shared with

547 outside third parties. If such personal information is included

548 in documents that are released to third parties, other than unit

549 owners, the association must redact such personal information

550 before the document is disseminated ~~(c)3.e.~~ However, the

551 association is not liable for an inadvertent disclosure of the
552 e-mail address or facsimile number for receiving electronic
553 transmission of notices unless such disclosure was made with a
554 knowing or intentional disregard of the protected nature of such
555 information.

556 8. All current insurance policies of the association and
557 condominiums operated by the association.

558 9. A current copy of any management agreement, lease, or
559 other contract to which the association is a party or under
560 which the association or the unit owners have an obligation or
561 responsibility.

562 10. Bills of sale or transfer for all property owned by
563 the association.

564 11. Accounting records for the association and separate
565 accounting records for each condominium that the association
566 operates. Any person who knowingly or intentionally defaces or
567 destroys such records, or who knowingly or intentionally fails
568 to create or maintain such records, with the intent of causing
569 harm to the association or one or more of its members, is
570 personally subject to a civil penalty pursuant to s.
571 718.501(1)(e) ~~s. 718.501(1)(d)~~. The accounting records must
572 include, but are not limited to:

573 a. Accurate, itemized, and detailed records of all
574 receipts and expenditures.

575 b. All invoices, transaction receipts, or deposit slips

576 that substantiate any receipt or expenditure of funds by the
 577 association.

578 ~~c.d.~~ A current account and a monthly, bimonthly, or
 579 quarterly statement of the account for each unit designating the
 580 name of the unit owner, the due date and amount of each
 581 assessment, the amount paid on the account, and the balance due.

582 ~~d.e.~~ All audits, reviews, accounting statements,
 583 structural integrity reserve studies, and financial reports of
 584 the association or condominium. Structural integrity reserve
 585 studies must be maintained for at least 15 years after the study
 586 is completed.

587 ~~e.d.~~ All contracts for work to be performed. Bids for work
 588 to be performed are also considered official records and must be
 589 maintained by the association for at least 1 year after receipt
 590 of the bid.

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

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

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

600 15. A copy of the inspection reports described in ss.

601 553.899 and 718.301(4) (p) and any other inspection report
 602 relating to a structural or life safety inspection of
 603 condominium property. Such record must be maintained by the
 604 association for 15 years after receipt of the report.

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

606 17. All affirmative acknowledgments made pursuant to s.
 607 718.121(4) (c).

608 18. A copy of all building permits issued for ongoing or
 609 planned construction.

610 19. A copy of all satisfactorily completed board member
 611 educational certificates.

612 ~~20.18.~~ All other written records of the association not
 613 specifically included in the foregoing which are related to the
 614 operation of the association.

615 (b) The official records specified in subparagraphs (a)1.-
 616 6. must be permanently maintained from the inception of the
 617 association. Bids for work to be performed or for materials,
 618 equipment, or services must be maintained for at least 1 year
 619 after receipt of the bid. All other official records must be
 620 maintained within the state for at least 7 years, unless
 621 otherwise provided by general law. The official records must be
 622 maintained in an organized manner that facilitates inspection of
 623 the records by a unit owner. In the event that the official
 624 records are lost, destroyed, or otherwise unavailable, the
 625 obligation to maintain the official records includes a good

626 faith obligation to obtain and recover those records as is
627 reasonably possible. The records of the association shall be
628 made available to a unit owner within 45 miles of the
629 condominium property or within the county in which the
630 condominium property is located within 10 working days after
631 receipt of a written request by the board or its designee.
632 However, such distance requirement does not apply to an
633 association governing a timeshare condominium. This paragraph
634 and paragraph (c) may be complied with by having a copy of the
635 official records of the association available for inspection or
636 copying on the condominium property or association property, or
637 the association may offer the option of making the records
638 available to a unit owner electronically via the Internet as
639 provided under paragraph (g) or by allowing the records to be
640 viewed in electronic format on a computer screen and printed
641 upon request. The association is not responsible for the use or
642 misuse of the information provided to an association member or
643 his or her authorized representative in compliance with this
644 chapter unless the association has an affirmative duty not to
645 disclose such information under this chapter.

646 (c)1.a.~~(e)1.~~ The official records of the association are
647 open to inspection by any association member and any person
648 authorized by an association member as a representative of such
649 member at all reasonable times. The right to inspect the records
650 includes the right to make or obtain copies, at the reasonable

651 expense, if any, of the member and of the person authorized by
652 the association member as a representative of such member. A
653 renter of a unit has a right to inspect and copy only the
654 declaration of condominium, the association's bylaws and rules,
655 and the inspection reports described in ss. 553.899 and
656 718.301(4)(p). The association may adopt reasonable rules
657 regarding the frequency, time, location, notice, and manner of
658 record inspections and copying but may not require a member to
659 demonstrate any purpose or state any reason for the inspection.
660 The failure of an association to provide the records within 10
661 working days after receipt of a written request creates a
662 rebuttable presumption that the association willfully failed to
663 comply with this paragraph. A unit owner who is denied access to
664 official records is entitled to the actual damages or minimum
665 damages for the association's willful failure to comply. Minimum
666 damages are \$50 per calendar day for up to 10 days, beginning on
667 the 11th working day after receipt of the written request. The
668 failure to permit inspection entitles any person prevailing in
669 an enforcement action to recover reasonable attorney fees from
670 the person in control of the records who, directly or
671 indirectly, knowingly denied access to the records. If the
672 requested records are posted on an association's website, or are
673 available for download through an application on a mobile
674 device, the association may fulfill its obligations under this
675 paragraph by directing to the website or the application all

676 persons authorized to request access.

677 b. In response to a written request to inspect records,
678 the association must simultaneously provide to the requestor a
679 checklist of all records made available for inspection and
680 copying. The checklist must also identify any of the
681 association's official records that were not made available to
682 the requestor. An association must maintain a checklist provided
683 under this sub-subparagraph for 7 years. An association
684 delivering a checklist pursuant to this sub-subparagraph creates
685 a rebuttable presumption that the association has complied with
686 this paragraph.

687 2. A director or member of the board or association or a
688 community association manager who knowingly, willfully, and
689 repeatedly violates subparagraph 1. commits a misdemeanor of the
690 second degree, punishable as provided in s. 775.082 or s.
691 775.083, and must be removed from office and a vacancy declared.
692 For purposes of this subparagraph, the term "repeatedly" means
693 two or more violations within a 12-month period.

694 3.2. Any person who knowingly or intentionally defaces or
695 destroys accounting records that are required by this chapter to
696 be maintained during the period for which such records are
697 required to be maintained, or who knowingly or intentionally
698 fails to create or maintain accounting records that are required
699 to be created or maintained, with the intent of causing harm to
700 the association or one or more of its members, commits a

701 misdemeanor of the first degree, punishable as provided in s.
702 775.082 or s. 775.083, is personally subject to a civil penalty
703 pursuant to s. 718.501(1)(d), and must be removed from office
704 and a vacancy declared.

705 4. A person who willfully and knowingly refuses to release
706 or otherwise produce association records with the intent to
707 avoid or escape detection, arrest, trial, or punishment for the
708 commission of a crime, or to assist another person with such
709 avoidance or escape, commits a felony of the third degree,
710 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
711 and must be removed from office and a vacancy declared.

712 ~~5.3.~~ The association shall maintain an adequate number of
713 copies of the declaration, articles of incorporation, bylaws,
714 and rules, and all amendments to each of the foregoing, as well
715 as the question and answer sheet as described in s. 718.504 and
716 year-end financial information required under this section, on
717 the condominium property to ensure their availability to unit
718 owners and prospective purchasers, and may charge its actual
719 costs for preparing and furnishing these documents to those
720 requesting the documents. An association shall allow a member or
721 his or her authorized representative to use a portable device,
722 including a smartphone, tablet, portable scanner, or any other
723 technology capable of scanning or taking photographs, to make an
724 electronic copy of the official records in lieu of the
725 association's providing the member or his or her authorized

726 representative with a copy of such records. The association may
727 not charge a member or his or her authorized representative for
728 the use of a portable device. Notwithstanding this paragraph,
729 the following records are not accessible to unit owners:

730 a. Any record protected by the lawyer-client privilege as
731 described in s. 90.502 and any record protected by the work-
732 product privilege, including a record prepared by an association
733 attorney or prepared at the attorney's express direction, which
734 reflects a mental impression, conclusion, litigation strategy,
735 or legal theory of the attorney or the association, and which
736 was prepared exclusively for civil or criminal litigation or for
737 adversarial administrative proceedings, or which was prepared in
738 anticipation of such litigation or proceedings until the
739 conclusion of the litigation or proceedings.

740 b. Information obtained by an association in connection
741 with the approval of the lease, sale, or other transfer of a
742 unit.

743 c. Personnel records of association or management company
744 employees, including, but not limited to, disciplinary, payroll,
745 health, and insurance records. For purposes of this sub-
746 subparagraph, the term "personnel records" does not include
747 written employment agreements with an association employee or
748 management company, or budgetary or financial records that
749 indicate the compensation paid to an association employee.

750 d. Medical records of unit owners.

751 e. Social security numbers, driver license numbers, credit
752 card numbers, e-mail addresses, telephone numbers, facsimile
753 numbers, emergency contact information, addresses of a unit
754 owner other than as provided to fulfill the association's notice
755 requirements, and other personal identifying information of any
756 person, excluding the person's name, unit designation, mailing
757 address, property address, and any address, e-mail address, or
758 facsimile number provided to the association to fulfill the
759 association's notice requirements. Notwithstanding the
760 restrictions in this sub-subparagraph, an association may print
761 and distribute to unit owners a directory containing the name,
762 unit address, and all telephone numbers of each unit owner.
763 However, an owner may exclude his or her telephone numbers from
764 the directory by so requesting in writing to the association. An
765 owner may consent in writing to the disclosure of other contact
766 information described in this sub-subparagraph. The association
767 is not liable for the inadvertent disclosure of information that
768 is protected under this sub-subparagraph if the information is
769 included in an official record of the association and is
770 voluntarily provided by an owner and not requested by the
771 association.

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

774 g. The software and operating system used by the
775 association which allow the manipulation of data, even if the

776 owner owns a copy of the same software used by the association.
777 The data is part of the official records of the association.

778 h. All affirmative acknowledgments made pursuant to s.
779 718.121(4)(c).

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

782 (e)1. The association or its authorized agent is not
783 required to provide a prospective purchaser or lienholder with
784 information about the condominium or the association other than
785 information or documents required by this chapter to be made
786 available or disclosed. The association or its authorized agent
787 may charge a reasonable fee to the prospective purchaser,
788 lienholder, or the current unit owner for providing good faith
789 responses to requests for information by or on behalf of a
790 prospective purchaser or lienholder, other than that required by
791 law, if the fee does not exceed \$150 plus the reasonable cost of
792 photocopying and any attorney's fees incurred by the association
793 in connection with the response.

794 2. An association and its authorized agent are not liable
795 for providing such information in good faith pursuant to a
796 written request if the person providing the information includes
797 a written statement in substantially the following form: "The
798 responses herein are made in good faith and to the best of my
799 ability as to their accuracy."

800 (f) An outgoing board or committee member must relinquish

801 all official records and property of the association in his or
802 her possession or under his or her control to the incoming board
803 within 5 days after the election. The division shall impose a
804 civil penalty as set forth in s. 718.501(1)(d)6. against an
805 outgoing board or committee member who willfully and knowingly
806 fails to relinquish such records and property.

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

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

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

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

823 b. The association's website or application must be
824 accessible through the Internet and must contain a subpage, web
825 portal, or other protected electronic location that is

826 inaccessible to the general public and accessible only to unit
827 owners and employees of the association.

828 c. Upon a unit owner's written request, the association
829 must provide the unit owner with a username and password and
830 access to the protected sections of the association's website or
831 application which contain any notices, records, or documents
832 that must be electronically provided.

833 2. A current copy of the following documents must be
834 posted in digital format on the association's website or
835 application:

836 a. The recorded declaration of condominium of each
837 condominium operated by the association and each amendment to
838 each declaration.

839 b. The recorded bylaws of the association and each
840 amendment to the bylaws.

841 c. The articles of incorporation of the association, or
842 other documents creating the association, and each amendment to
843 the articles of incorporation or other documents. The copy
844 posted pursuant to this sub-subparagraph must be a copy of the
845 articles of incorporation filed with the Department of State.

846 d. The rules of the association.

847 e. A list of all executory contracts or documents to which
848 the association is a party or under which the association or the
849 unit owners have an obligation or responsibility and, after
850 bidding for the related materials, equipment, or services has

851 closed, a list of bids received by the association within the
852 past year. Summaries of bids for materials, equipment, or
853 services which exceed \$500 must be maintained on the website or
854 application for 1 year. In lieu of summaries, complete copies of
855 the bids may be posted.

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

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

861 h. The certification of each director required by s.
862 718.112(2)(d)4.b.

863 i. All contracts or transactions between the association
864 and any director, officer, corporation, firm, or association
865 that is not an affiliated condominium association or any other
866 entity in which an association director is also a director or
867 officer and financially interested.

868 j. Any contract or document regarding a conflict of
869 interest or possible conflict of interest as provided in ss.
870 468.4335, 468.436(2)(b)6., and 718.3027(3).

871 k. The notice of any unit owner meeting and the agenda for
872 the meeting, as required by s. 718.112(2)(d)3., no later than 14
873 days before the meeting. The notice must be posted in plain view
874 on the front page of the website or application, or on a
875 separate subpage of the website or application labeled "Notices"

876 | which is conspicuously visible and linked from the front page.
877 | The association must also post on its website or application any
878 | document to be considered and voted on by the owners during the
879 | meeting or any document listed on the agenda at least 7 days
880 | before the meeting at which the document or the information
881 | within the document will be considered.

882 | 1. Notice of any board meeting, the agenda, and any other
883 | document required for the meeting as required by s.
884 | 718.112(2)(c), which must be posted no later than the date
885 | required for notice under s. 718.112(2)(c).

886 | m. The inspection reports described in ss. 553.899 and
887 | 718.301(4)(p) and any other inspection report relating to a
888 | structural or life safety inspection of condominium property.

889 | n. The association's most recent structural integrity
890 | reserve study, if applicable.

891 | o. Copies of all building permits issued for ongoing or
892 | planned construction.

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

901 Notwithstanding the foregoing, the association or its agent is
 902 not liable for disclosing information that is protected or
 903 restricted under this paragraph unless such disclosure was made
 904 with a knowing or intentional disregard of the protected or
 905 restricted nature of such information.

906 4. The failure of the association to post information
 907 required under subparagraph 2. is not in and of itself
 908 sufficient to invalidate any action or decision of the
 909 association's board or its committees.

910 (13) FINANCIAL REPORTING.—Within 90 days after the end of
 911 the fiscal year, or annually on a date provided in the bylaws,
 912 the association shall prepare and complete, or contract for the
 913 preparation and completion of, a financial report for the
 914 preceding fiscal year. Within 21 days after the final financial
 915 report is completed by the association or received from the
 916 third party, but not later than 120 days after the end of the
 917 fiscal year or other date as provided in the bylaws, the
 918 association shall deliver ~~mail~~ to each unit owner by United
 919 States mail or personal delivery at the mailing address,
 920 property address, e-mail address, or facsimile number provided
 921 to fulfill the association's notice requirements ~~at the address~~
 922 ~~last furnished to the association by the unit owner, or hand~~
 923 ~~deliver to each unit owner,~~ a copy of the most recent financial
 924 report, and ~~or~~ a notice that a copy of the most recent financial
 925 report will be mailed or hand delivered to the unit owner,

926 without charge, within 5 business days after receipt of a
927 written request from the unit owner. The division shall adopt
928 rules setting forth uniform accounting principles and standards
929 to be used by all associations and addressing the financial
930 reporting requirements for multicondominium associations. The
931 rules must include, but not be limited to, standards for
932 presenting a summary of association reserves, including a good
933 faith estimate disclosing the annual amount of reserve funds
934 that would be necessary for the association to fully fund
935 reserves for each reserve item based on the straight-line
936 accounting method. This disclosure is not applicable to reserves
937 funded via the pooling method. In adopting such rules, the
938 division shall consider the number of members and annual
939 revenues of an association. Financial reports shall be prepared
940 as follows:

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

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

949 2. An association with total annual revenues of at least
950 \$300,000, but less than \$500,000, shall prepare reviewed

951 financial statements.

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

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

957 2. A report of cash receipts and disbursements must
 958 disclose the amount of receipts by accounts and receipt
 959 classifications and the amount of expenses by accounts and
 960 expense classifications, including, but not limited to, the
 961 following, as applicable: costs for security, professional and
 962 management fees and expenses, taxes, costs for recreation
 963 facilities, expenses for refuse collection and utility services,
 964 expenses for lawn care, costs for building maintenance and
 965 repair, insurance costs, administration and salary expenses, and
 966 reserves accumulated and expended for capital expenditures,
 967 deferred maintenance, and any other category for which the
 968 association maintains reserves.

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

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

974 2. Reviewed or audited financial statements, if the
 975 association is required to prepare compiled financial

976 statements; or

977 3. Audited financial statements if the association is
978 required to prepare reviewed financial statements.

979 (d) If approved by a majority of the voting interests
980 present at a properly called meeting of the association, an
981 association may prepare:

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

984 2. A report of cash receipts and expenditures or a
985 compiled financial statement in lieu of a reviewed or audited
986 financial statement; or

987 3. A report of cash receipts and expenditures, a compiled
988 financial statement, or a reviewed financial statement in lieu
989 of an audited financial statement.

990
991 Such meeting and approval must occur before the end of the
992 fiscal year and is effective only for the fiscal year in which
993 the vote is taken. An association may not prepare a financial
994 report pursuant to this paragraph for consecutive fiscal years,
995 ~~except that the approval may also be effective for the following~~
996 ~~fiscal year.~~ If the developer has not turned over control of the
997 association, all unit owners, including the developer, may vote
998 on issues related to the preparation of the association's
999 financial reports, from the date of incorporation of the
1000 association through the end of the second fiscal year after the

1001 fiscal year in which the certificate of a surveyor and mapper is
1002 recorded pursuant to s. 718.104(4)(e) or an instrument that
1003 transfers title to a unit in the condominium which is not
1004 accompanied by a recorded assignment of developer rights in
1005 favor of the grantee of such unit is recorded, whichever occurs
1006 first. Thereafter, all unit owners except the developer may vote
1007 on such issues until control is turned over to the association
1008 by the developer. Any audit or review prepared under this
1009 section shall be paid for by the developer if done before
1010 turnover of control of the association.

1011 (e) A unit owner may provide written notice to the
1012 division of the association's failure to mail or hand deliver
1013 him or her a copy of the most recent financial report within 5
1014 business days after he or she submitted a written request to the
1015 association for a copy of such report. If the division
1016 determines that the association failed to mail or hand deliver a
1017 copy of the most recent financial report to the unit owner, the
1018 division shall provide written notice to the association that
1019 the association must mail or hand deliver a copy of the most
1020 recent financial report to the unit owner and the division
1021 within 5 business days after it receives such notice from the
1022 division. An association that fails to comply with the
1023 division's request may not waive the financial reporting
1024 requirement provided in paragraph (d) for the fiscal year in
1025 which the unit owner's request was made and the following fiscal

1026 | year. A financial report received by the division pursuant to
 1027 | this paragraph shall be maintained, and the division shall
 1028 | provide a copy of such report to an association member upon his
 1029 | or her request.

1030 | (15) DEBIT CARDS.—

1031 | (a) An association and its officers, directors, employees,
 1032 | and agents may not use a debit card issued in the name of the
 1033 | association, or billed directly to the association, for the
 1034 | payment of any association expense.

1035 | (b) A person who uses ~~Use of~~ a debit card issued in the
 1036 | name of the association, or billed directly to the association,
 1037 | for any expense that is not a lawful obligation of the
 1038 | association commits theft under s. 812.014 and must be removed
 1039 | from office and a vacancy declared. For the purposes of this
 1040 | paragraph, the term "lawful obligation of the association" means
 1041 | an obligation that has been properly preapproved by the board
 1042 | and is reflected in the meeting minutes or the written budget
 1043 | ~~may be prosecuted as credit card fraud pursuant to s. 817.61.~~

1044 | Section 8. Effective January 1, 2026, paragraph (g) of
 1045 | subsection (12) of section 718.111, Florida Statutes, as amended
 1046 | by this act, is amended to read:

1047 | 718.111 The association.—

1048 | (12) OFFICIAL RECORDS.—

1049 | (g)1. ~~By January 1, 2019,~~ An association managing a
 1050 | condominium with 25 ~~150~~ or more units which does not contain

1051 timeshare units shall post digital copies of the documents
 1052 specified in subparagraph 2. on its website or make such
 1053 documents available through an application that can be
 1054 downloaded on a mobile device.

1055 a. The association's website or application must be:

1056 (I) An independent website, application, or web portal
 1057 wholly owned and operated by the association; or

1058 (II) A website, application, or web portal operated by a
 1059 third-party provider with whom the association owns, leases,
 1060 rents, or otherwise obtains the right to operate a web page,
 1061 subpage, web portal, collection of subpages or web portals, or
 1062 an application which is dedicated to the association's
 1063 activities and on which required notices, records, and documents
 1064 may be posted or made available by the association.

1065 b. The association's website or application must be
 1066 accessible through the Internet and must contain a subpage, web
 1067 portal, or other protected electronic location that is
 1068 inaccessible to the general public and accessible only to unit
 1069 owners and employees of the association.

1070 c. Upon a unit owner's written request, the association
 1071 must provide the unit owner with a username and password and
 1072 access to the protected sections of the association's website or
 1073 application which contain any notices, records, or documents
 1074 that must be electronically provided.

1075 2. A current copy of the following documents must be

1076 | posted in digital format on the association's website or
 1077 | application:
 1078 | a. The recorded declaration of condominium of each
 1079 | condominium operated by the association and each amendment to
 1080 | each declaration.
 1081 | b. The recorded bylaws of the association and each
 1082 | amendment to the bylaws.
 1083 | c. The articles of incorporation of the association, or
 1084 | other documents creating the association, and each amendment to
 1085 | the articles of incorporation or other documents. The copy
 1086 | posted pursuant to this sub-subparagraph must be a copy of the
 1087 | articles of incorporation filed with the Department of State.
 1088 | d. The rules of the association.
 1089 | e. A list of all executory contracts or documents to which
 1090 | the association is a party or under which the association or the
 1091 | unit owners have an obligation or responsibility and, after
 1092 | bidding for the related materials, equipment, or services has
 1093 | closed, a list of bids received by the association within the
 1094 | past year. Summaries of bids for materials, equipment, or
 1095 | services which exceed \$500 must be maintained on the website or
 1096 | application for 1 year. In lieu of summaries, complete copies of
 1097 | the bids may be posted.
 1098 | f. The annual budget required by s. 718.112(2)(f) and any
 1099 | proposed budget to be considered at the annual meeting.
 1100 | g. The financial report required by subsection (13) and

1101 any monthly income or expense statement to be considered at a
1102 meeting.

1103 h. The certification of each director required by s.
1104 718.112(2)(d)4.b.

1105 i. All contracts or transactions between the association
1106 and any director, officer, corporation, firm, or association
1107 that is not an affiliated condominium association or any other
1108 entity in which an association director is also a director or
1109 officer and financially interested.

1110 j. Any contract or document regarding a conflict of
1111 interest or possible conflict of interest as provided in ss.
1112 468.4335, 468.436(2)(b)6., and 718.3027(3).

1113 k. The notice of any unit owner meeting and the agenda for
1114 the meeting, as required by s. 718.112(2)(d)3., no later than 14
1115 days before the meeting. The notice must be posted in plain view
1116 on the front page of the website or application, or on a
1117 separate subpage of the website or application labeled "Notices"
1118 which is conspicuously visible and linked from the front page.
1119 The association must also post on its website or application any
1120 document to be considered and voted on by the owners during the
1121 meeting or any document listed on the agenda at least 7 days
1122 before the meeting at which the document or the information
1123 within the document will be considered.

1124 l. Notice of any board meeting, the agenda, and any other
1125 document required for the meeting as required by s.

1126 718.112(2)(c), which must be posted no later than the date
 1127 required for notice under s. 718.112(2)(c).

1128 m. The inspection reports described in ss. 553.899 and
 1129 718.301(4)(p) and any other inspection report relating to a
 1130 structural or life safety inspection of condominium property.

1131 n. The association's most recent structural integrity
 1132 reserve study, if applicable.

1133 o. Copies of all building permits issued for ongoing or
 1134 planned construction.

1135 3. The association shall ensure that the information and
 1136 records described in paragraph (c), which are not allowed to be
 1137 accessible to unit owners, are not posted on the association's
 1138 website or application. If protected information or information
 1139 restricted from being accessible to unit owners is included in
 1140 documents that are required to be posted on the association's
 1141 website or application, the association shall ensure the
 1142 information is redacted before posting the documents.

1143 Notwithstanding the foregoing, the association or its agent is
 1144 not liable for disclosing information that is protected or
 1145 restricted under this paragraph unless such disclosure was made
 1146 with a knowing or intentional disregard of the protected or
 1147 restricted nature of such information.

1148 4. The failure of the association to post information
 1149 required under subparagraph 2. is not in and of itself
 1150 sufficient to invalidate any action or decision of the

1151 association's board or its committees.

1152 Section 9. Paragraphs (c), (d), (f), (g), and (q) of
1153 subsection (2) of section 718.112, Florida Statutes, are
1154 amended, and paragraph (r) is added to that subsection, to read:

1155 718.112 Bylaws.—

1156 (2) REQUIRED PROVISIONS.—The bylaws shall provide for the
1157 following and, if they do not do so, shall be deemed to include
1158 the following:

1159 (c) *Board of administration meetings.*—In a residential
1160 condominium association of more than 10 units, the board of
1161 administration shall meet once each quarter for the purpose of
1162 responding to inquiries from members and informing members on
1163 the state of the condominium, including the status of any
1164 construction or repair projects, the status of the association's
1165 revenue and expenditures during the fiscal year, or other issues
1166 affecting the association. Meetings of the board of
1167 administration at which a quorum of the members is present are
1168 open to all unit owners. Members of the board of administration
1169 may use e-mail as a means of communication but may not cast a
1170 vote on an association matter via e-mail. A unit owner may tape
1171 record or videotape the meetings. The right to attend such
1172 meetings includes the right to speak at such meetings with
1173 reference to all designated agenda items. The division shall
1174 adopt reasonable rules governing the tape recording and
1175 videotaping of the meeting. The association may adopt written

1176 reasonable rules governing the frequency, duration, and manner
 1177 of unit owner statements.

1178 1. Adequate notice of all board meetings, which must
 1179 specifically identify all agenda items, must be posted
 1180 conspicuously on the condominium property at least 48 continuous
 1181 hours before the meeting except in an emergency. If 20 percent
 1182 of the voting interests petition the board to address an item of
 1183 business, the board, within 60 days after receipt of the
 1184 petition, shall place the item on the agenda at its next regular
 1185 board meeting or at a special meeting called for that purpose.
 1186 An item not included on the notice may be taken up on an
 1187 emergency basis by a vote of at least a majority plus one of the
 1188 board members. Such emergency action must be noticed and
 1189 ratified at the next regular board meeting. Written notice of a
 1190 meeting at which a nonemergency special assessment or an
 1191 amendment to rules regarding unit use will be considered must be
 1192 mailed, delivered, or electronically transmitted to the unit
 1193 owners and posted conspicuously on the condominium property at
 1194 least 14 days before the meeting. Evidence of compliance with
 1195 this 14-day notice requirement must be made by an affidavit
 1196 executed by the person providing the notice and filed with the
 1197 official records of the association. ~~Notice of any meeting in~~
 1198 ~~which regular or special assessments against unit owners are to~~
 1199 ~~be considered must specifically state that assessments will be~~
 1200 ~~considered and provide the estimated cost and description of the~~

1201 ~~purposes for such assessments.~~
 1202 2. Upon notice to the unit owners, the board shall, by
 1203 duly adopted rule, designate a specific location on the
 1204 condominium property at which ~~where~~ all notices of board
 1205 meetings must be posted. If there is no condominium property at
 1206 which ~~where~~ notices can be posted, notices shall be mailed,
 1207 delivered, or electronically transmitted to each unit owner at
 1208 least 14 days before the meeting. In lieu of or in addition to
 1209 the physical posting of the notice on the condominium property,
 1210 the association may, by reasonable rule, adopt a procedure for
 1211 conspicuously posting and repeatedly broadcasting the notice and
 1212 the agenda on a closed-circuit cable television system serving
 1213 the condominium association. However, if broadcast notice is
 1214 used in lieu of a notice physically posted on condominium
 1215 property, the notice and agenda must be broadcast at least four
 1216 times every broadcast hour of each day that a posted notice is
 1217 otherwise required under this section. If broadcast notice is
 1218 provided, the notice and agenda must be broadcast in a manner
 1219 and for a sufficient continuous length of time so as to allow an
 1220 average reader to observe the notice and read and comprehend the
 1221 entire content of the notice and the agenda. In addition to any
 1222 of the authorized means of providing notice of a meeting of the
 1223 board, the association may, by rule, adopt a procedure for
 1224 conspicuously posting the meeting notice and the agenda on a
 1225 website serving the condominium association for at least the

1226 minimum period of time for which a notice of a meeting is also
1227 required to be physically posted on the condominium property.
1228 Any rule adopted shall, in addition to other matters, include a
1229 requirement that the association send an electronic notice in
1230 the same manner as a notice for a meeting of the members, which
1231 must include a hyperlink to the website at which ~~where~~
1232 notice is posted, to unit owners whose e-mail addresses are
1233 included in the association's official records.

1234 3. Notice of any meeting in which regular or special
1235 assessments against unit owners are to be considered must
1236 specifically state that assessments will be considered and
1237 provide the estimated cost and description of the purposes for
1238 such assessments. If an agenda item relates to the approval of a
1239 contract for goods or services, a copy of the contract must be
1240 provided with the notice and be made available for inspection
1241 and copying upon a written request from a unit owner or made
1242 available on the association's website or through an application
1243 that can be downloaded on a mobile device.

1244 ~~4.2.~~ Meetings of a committee to take final action on
1245 behalf of the board or make recommendations to the board
1246 regarding the association budget are subject to this paragraph.
1247 Meetings of a committee that does not take final action on
1248 behalf of the board or make recommendations to the board
1249 regarding the association budget are subject to this section,
1250 unless those meetings are exempted from this section by the

1251 | bylaws of the association.

1252 | ~~5.3-~~ Notwithstanding any other law, the requirement that
1253 | board meetings and committee meetings be open to the unit owners
1254 | does not apply to:

1255 | a. Meetings between the board or a committee and the
1256 | association's attorney, with respect to proposed or pending
1257 | litigation, if the meeting is held for the purpose of seeking or
1258 | rendering legal advice; or

1259 | b. Board meetings held for the purpose of discussing
1260 | personnel matters.

1261 | (d) *Unit owner meetings.*-

1262 | 1. An annual meeting of the unit owners must be held at
1263 | the location provided in the association bylaws and, if the
1264 | bylaws are silent as to the location, the meeting must be held
1265 | within 45 miles of the condominium property. However, such
1266 | distance requirement does not apply to an association governing
1267 | a timeshare condominium.

1268 | 2. Unless the bylaws provide otherwise, a vacancy on the
1269 | board caused by the expiration of a director's term must be
1270 | filled by electing a new board member, and the election must be
1271 | by secret ballot. An election is not required if the number of
1272 | vacancies equals or exceeds the number of candidates. For
1273 | purposes of this paragraph, the term "candidate" means an
1274 | eligible person who has timely submitted the written notice, as
1275 | described in sub-subparagraph 4.a., of his or her intention to

1276 | become a candidate. Except in a timeshare or nonresidential
1277 | condominium, or if the staggered term of a board member does not
1278 | expire until a later annual meeting, or if all members' terms
1279 | would otherwise expire but there are no candidates, the terms of
1280 | all board members expire at the annual meeting, and such members
1281 | may stand for reelection unless prohibited by the bylaws. Board
1282 | members may serve terms longer than 1 year if permitted by the
1283 | bylaws or articles of incorporation. A board member may not
1284 | serve more than 8 consecutive years unless approved by an
1285 | affirmative vote of unit owners representing two-thirds of all
1286 | votes cast in the election or unless there are not enough
1287 | eligible candidates to fill the vacancies on the board at the
1288 | time of the vacancy. Only board service that occurs on or after
1289 | July 1, 2018, may be used when calculating a board member's term
1290 | limit. If the number of board members whose terms expire at the
1291 | annual meeting equals or exceeds the number of candidates, the
1292 | candidates become members of the board effective upon the
1293 | adjournment of the annual meeting. Unless the bylaws provide
1294 | otherwise, any remaining vacancies shall be filled by the
1295 | affirmative vote of the majority of the directors making up the
1296 | newly constituted board even if the directors constitute less
1297 | than a quorum or there is only one director. In a residential
1298 | condominium association of more than 10 units or in a
1299 | residential condominium association that does not include
1300 | timeshare units or timeshare interests, co-owners of a unit may

1301 not serve as members of the board of directors at the same time
 1302 unless they own more than one unit or unless there are not
 1303 enough eligible candidates to fill the vacancies on the board at
 1304 the time of the vacancy. A unit owner in a residential
 1305 condominium desiring to be a candidate for board membership must
 1306 comply with sub-subparagraph 4.a. and must be eligible to be a
 1307 candidate to serve on the board of directors at the time of the
 1308 deadline for submitting a notice of intent to run in order to
 1309 have his or her name listed as a proper candidate on the ballot
 1310 or to serve on the board. A person who has been suspended or
 1311 removed by the division under this chapter, or who is delinquent
 1312 in the payment of any assessment due to the association, is not
 1313 eligible to be a candidate for board membership and may not be
 1314 listed on the ballot. For purposes of this paragraph, a person
 1315 is delinquent if a payment is not made by the due date as
 1316 specifically identified in the declaration of condominium,
 1317 bylaws, or articles of incorporation. If a due date is not
 1318 specifically identified in the declaration of condominium,
 1319 bylaws, or articles of incorporation, the due date is the first
 1320 day of the assessment period. A person who has been convicted of
 1321 any felony in this state or in a United States District or
 1322 Territorial Court, or who has been convicted of any offense in
 1323 another jurisdiction which would be considered a felony if
 1324 committed in this state, is not eligible for board membership
 1325 unless such felon's civil rights have been restored for at least

1326 5 years as of the date such person seeks election to the board.
 1327 The validity of an action by the board is not affected if it is
 1328 later determined that a board member is ineligible for board
 1329 membership due to having been convicted of a felony. This
 1330 subparagraph does not limit the term of a member of the board of
 1331 a nonresidential or timeshare condominium.

1332 3. The bylaws must provide the method of calling meetings
 1333 of unit owners, including annual meetings. Written notice of an
 1334 annual meeting must include an agenda; be mailed, hand
 1335 delivered, or electronically transmitted to each unit owner at
 1336 least 14 days before the annual meeting; and be posted in a
 1337 conspicuous place on the condominium property or association
 1338 property at least 14 continuous days before the annual meeting.
 1339 Written notice of a meeting other than an annual meeting must
 1340 include an agenda; be mailed, hand delivered, or electronically
 1341 transmitted to each unit owner; and be posted in a conspicuous
 1342 place on the condominium property or association property within
 1343 the timeframe specified in the bylaws. If the bylaws do not
 1344 specify a timeframe for written notice of a meeting other than
 1345 an annual meeting, notice must be provided at least 14
 1346 continuous days before the meeting. Upon notice to the unit
 1347 owners, the board shall, by duly adopted rule, designate a
 1348 specific location on the condominium property or association
 1349 property at which ~~where~~ all notices of unit owner meetings must
 1350 be posted. This requirement does not apply if there is no

1351 condominium property for posting notices. In lieu of, or in
 1352 addition to, the physical posting of meeting notices, the
 1353 association may, by reasonable rule, adopt a procedure for
 1354 conspicuously posting and repeatedly broadcasting the notice and
 1355 the agenda on a closed-circuit cable television system serving
 1356 the condominium association. However, if broadcast notice is
 1357 used in lieu of a notice posted physically on the condominium
 1358 property, the notice and agenda must be broadcast at least four
 1359 times every broadcast hour of each day that a posted notice is
 1360 otherwise required under this section. If broadcast notice is
 1361 provided, the notice and agenda must be broadcast in a manner
 1362 and for a sufficient continuous length of time so as to allow an
 1363 average reader to observe the notice and read and comprehend the
 1364 entire content of the notice and the agenda. In addition to any
 1365 of the authorized means of providing notice of a meeting of the
 1366 board, the association may, by rule, adopt a procedure for
 1367 conspicuously posting the meeting notice and the agenda on a
 1368 website serving the condominium association for at least the
 1369 minimum period of time for which a notice of a meeting is also
 1370 required to be physically posted on the condominium property.
 1371 Any rule adopted shall, in addition to other matters, include a
 1372 requirement that the association send an electronic notice in
 1373 the same manner as a notice for a meeting of the members, which
 1374 must include a hyperlink to the website at which ~~where~~ the
 1375 notice is posted, to unit owners whose e-mail addresses are

1376 included in the association's official records. Unless a unit
1377 owner waives in writing the right to receive notice of the
1378 annual meeting, such notice must be hand delivered, mailed, or
1379 electronically transmitted to each unit owner. Notice for
1380 meetings and notice for all other purposes must be mailed to
1381 each unit owner at the address last furnished to the association
1382 by the unit owner, or hand delivered to each unit owner.
1383 However, if a unit is owned by more than one person, the
1384 association must provide notice to the address that the
1385 developer identifies for that purpose and thereafter as one or
1386 more of the owners of the unit advise the association in
1387 writing, or if no address is given or the owners of the unit do
1388 not agree, to the address provided on the deed of record. An
1389 officer of the association, or the manager or other person
1390 providing notice of the association meeting, must provide an
1391 affidavit or United States Postal Service certificate of
1392 mailing, to be included in the official records of the
1393 association affirming that the notice was mailed or hand
1394 delivered in accordance with this provision.

1395 4. The members of the board of a residential condominium
1396 shall be elected by written ballot or voting machine. Proxies
1397 may not be used in electing the board in general elections or
1398 elections to fill vacancies caused by recall, resignation, or
1399 otherwise, unless otherwise provided in this chapter. This
1400 subparagraph does not apply to an association governing a

1401 timeshare condominium.

1402 a. At least 60 days before a scheduled election, the
1403 association shall mail, deliver, or electronically transmit, by
1404 separate association mailing or included in another association
1405 mailing, delivery, or transmission, including regularly
1406 published newsletters, to each unit owner entitled to a vote, a
1407 first notice of the date of the election. A unit owner or other
1408 eligible person desiring to be a candidate for the board must
1409 give written notice of his or her intent to be a candidate to
1410 the association at least 40 days before a scheduled election.
1411 Together with the written notice and agenda as set forth in
1412 subparagraph 3., the association shall mail, deliver, or
1413 electronically transmit a second notice of the election to all
1414 unit owners entitled to vote, together with a ballot that lists
1415 all candidates not less than 14 days or more than 34 days before
1416 the date of the election. Upon request of a candidate, an
1417 information sheet, no larger than 8 1/2 inches by 11 inches,
1418 which must be furnished by the candidate at least 35 days before
1419 the election, must be included with the mailing, delivery, or
1420 transmission of the ballot, with the costs of mailing, delivery,
1421 or electronic transmission and copying to be borne by the
1422 association. The association is not liable for the contents of
1423 the information sheets prepared by the candidates. In order to
1424 reduce costs, the association may print or duplicate the
1425 information sheets on both sides of the paper. The division

1426 shall by rule establish voting procedures consistent with this
1427 sub-subparagraph, including rules establishing procedures for
1428 giving notice by electronic transmission and rules providing for
1429 the secrecy of ballots. Elections shall be decided by a
1430 plurality of ballots cast. There is no quorum requirement;
1431 however, at least 20 percent of the eligible voters must cast a
1432 ballot in order to have a valid election. A unit owner may not
1433 authorize any other person to vote his or her ballot, and any
1434 ballots improperly cast are invalid. A unit owner who violates
1435 this provision may be fined by the association in accordance
1436 with s. 718.303. A unit owner who needs assistance in casting
1437 the ballot for the reasons stated in s. 101.051 may obtain such
1438 assistance. The regular election must occur on the date of the
1439 annual meeting. Notwithstanding this sub-subparagraph, an
1440 election is not required unless more candidates file notices of
1441 intent to run or are nominated than board vacancies exist.

1442 b. A director of a ~~Within 90 days after being elected or~~
1443 ~~appointed to the~~ board of an association of a residential
1444 ~~condominium, each newly elected or appointed director~~ shall:

1445 (I) Certify in writing to the secretary of the association
1446 that he or she has read the association's declaration of
1447 condominium, articles of incorporation, bylaws, and current
1448 written policies; that he or she will work to uphold such
1449 documents and policies to the best of his or her ability; and
1450 that he or she will faithfully discharge his or her fiduciary

1451 responsibility to the association's members.

1452 (II) Submit to the secretary of the association ~~In lieu of~~
1453 ~~this written certification, within 90 days after being elected~~
1454 ~~or appointed to the board, the newly elected or appointed~~
1455 ~~director may submit~~ a certificate of having satisfactorily
1456 completed the educational curriculum administered by the
1457 division or a division-approved condominium education provider.
1458 The educational curriculum must be at least 4 hours long and
1459 include instruction on milestone inspections, structural
1460 integrity reserve studies, recordkeeping, financial literacy and
1461 transparency, levying of fines, and notice and meeting
1462 requirements within 1 year before or 90 days after the date of
1463 election or appointment.

1464
1465 Each newly elected or appointed director must submit to the
1466 secretary of the association the written certification and
1467 educational certificate within 1 year before being elected or
1468 appointed or 90 days after the date of election or appointment.

1469 A director of an association of a residential condominium who
1470 was elected or appointed before July 1, 2024, must comply with
1471 the written certification and educational certificate
1472 requirements in this sub-subparagraph by June 30, 2025. The
1473 written certification and ~~or~~ educational certificate is valid
1474 for 7 years after the date of issuance and does not have to be
1475 resubmitted as long as the director serves on the board without

1476 interruption during the 7-year period. A director who is
1477 appointed by the developer may satisfy the educational
1478 certificate requirement in sub-sub-subparagraph (II) for any
1479 subsequent appointment to a board by a developer within 7 years
1480 after the date of issuance of the most recent educational
1481 certificate, including any interruption of service on a board or
1482 appointment to a board in another association within that 7-year
1483 period. One year after submission of the most recent written
1484 certification and educational certificate, and annually
1485 thereafter, a director of an association of a residential
1486 condominium must submit to the secretary of the association a
1487 certificate of having satisfactorily completed at least 1 hour
1488 of continuing education administered by the division, or a
1489 division-approved condominium education provider, relating to
1490 any recent changes to this chapter and the related
1491 administrative rules during the past year. A director of an
1492 association of a residential condominium who fails to timely
1493 file the written certification and ~~or~~ educational certificate is
1494 suspended from service on the board until he or she complies
1495 with this sub-subparagraph. The board may temporarily fill the
1496 vacancy during the period of suspension. The secretary shall
1497 cause the association to retain a director's written
1498 certification and ~~or~~ educational certificate for inspection by
1499 the members for 7 ~~5~~ years after a director's election or the
1500 duration of the director's uninterrupted tenure, whichever is

1501 longer. Failure to have such written certification and ~~or~~
 1502 educational certificate on file does not affect the validity of
 1503 any board action.

1504 c. Any challenge to the election process must be commenced
 1505 within 60 days after the election results are announced.

1506 5. Any approval by unit owners called for by this chapter
 1507 or the applicable declaration or bylaws, including, but not
 1508 limited to, the approval requirement in s. 718.111(8), must be
 1509 made at a duly noticed meeting of unit owners and is subject to
 1510 all requirements of this chapter or the applicable condominium
 1511 documents relating to unit owner decisionmaking, except that
 1512 unit owners may take action by written agreement, without
 1513 meetings, on matters for which action by written agreement
 1514 without meetings is expressly allowed by the applicable bylaws
 1515 or declaration or any law that provides for such action.

1516 6. Unit owners may waive notice of specific meetings if
 1517 allowed by the applicable bylaws or declaration or any law.
 1518 Notice of meetings of the board of administration; unit owner
 1519 meetings, except unit owner meetings called to recall board
 1520 members under paragraph (1); and committee meetings may be given
 1521 by electronic transmission to unit owners who consent to receive
 1522 notice by electronic transmission. A unit owner who consents to
 1523 receiving notices by electronic transmission is solely
 1524 responsible for removing or bypassing filters that block receipt
 1525 of mass e-mails sent to members on behalf of the association in

1526 the course of giving electronic notices.

1527 7. Unit owners have the right to participate in meetings
1528 of unit owners with reference to all designated agenda items.
1529 However, the association may adopt reasonable rules governing
1530 the frequency, duration, and manner of unit owner participation.

1531 8. A unit owner may tape record or videotape a meeting of
1532 the unit owners subject to reasonable rules adopted by the
1533 division.

1534 9. Unless otherwise provided in the bylaws, any vacancy
1535 occurring on the board before the expiration of a term may be
1536 filled by the affirmative vote of the majority of the remaining
1537 directors, even if the remaining directors constitute less than
1538 a quorum, or by the sole remaining director. In the alternative,
1539 a board may hold an election to fill the vacancy, in which case
1540 the election procedures must conform to sub-subparagraph 4.a.
1541 unless the association governs 10 units or fewer and has opted
1542 out of the statutory election process, in which case the bylaws
1543 of the association control. Unless otherwise provided in the
1544 bylaws, a board member appointed or elected under this section
1545 shall fill the vacancy for the unexpired term of the seat being
1546 filled. Filling vacancies created by recall is governed by
1547 paragraph (1) and rules adopted by the division.

1548 10. This chapter does not limit the use of general or
1549 limited proxies, require the use of general or limited proxies,
1550 or require the use of a written ballot or voting machine for any

1551 agenda item or election at any meeting of a timeshare
1552 condominium association or nonresidential condominium
1553 association.

1554
1555 Notwithstanding subparagraph (b)2. and sub-subparagraph 4.a., an
1556 association of 10 or fewer units may, by affirmative vote of a
1557 majority of the total voting interests, provide for different
1558 voting and election procedures in its bylaws, which may be by a
1559 proxy specifically delineating the different voting and election
1560 procedures. The different voting and election procedures may
1561 provide for elections to be conducted by limited or general
1562 proxy.

1563 (f) *Annual budget.*—

1564 1. The proposed annual budget of estimated revenues and
1565 expenses must be detailed and must show the amounts budgeted by
1566 accounts and expense classifications, including, at a minimum,
1567 any applicable expenses listed in s. 718.504(21). The board
1568 shall adopt the annual budget at least 14 days before the start
1569 of the association's fiscal year. In the event that the board
1570 fails to timely adopt the annual budget a second time, it is
1571 deemed a minor violation and the prior year's budget shall
1572 continue in effect until a new budget is adopted. A
1573 multicondominium association must adopt a separate budget of
1574 common expenses for each condominium the association operates
1575 and must adopt a separate budget of common expenses for the

1576 association. In addition, if the association maintains limited
 1577 common elements with the cost to be shared only by those
 1578 entitled to use the limited common elements as provided for in
 1579 s. 718.113(1), the budget or a schedule attached to it must show
 1580 the amount budgeted for this maintenance. If, after turnover of
 1581 control of the association to the unit owners, any of the
 1582 expenses listed in s. 718.504(21) are not applicable, they do
 1583 not need to be listed.

1584 2.a. In addition to annual operating expenses, the budget
 1585 must include reserve accounts for capital expenditures and
 1586 deferred maintenance. These accounts must include, but are not
 1587 limited to, roof replacement, building painting, and pavement
 1588 resurfacing, regardless of the amount of deferred maintenance
 1589 expense or replacement cost, and any other item that has a
 1590 deferred maintenance expense or replacement cost that exceeds
 1591 \$10,000. The amount to be reserved must be computed using a
 1592 formula based upon estimated remaining useful life and estimated
 1593 replacement cost or deferred maintenance expense of the reserve
 1594 item. In a budget adopted by an association that is required to
 1595 obtain a structural integrity reserve study, reserves must be
 1596 maintained for the items identified in paragraph (g) for which
 1597 the association is responsible pursuant to the declaration of
 1598 condominium, and the reserve amount for such items must be based
 1599 on the findings and recommendations of the association's most
 1600 recent structural integrity reserve study. With respect to items

1601 for which an estimate of useful life is not readily
1602 ascertainable or with an estimated remaining useful life of
1603 greater than 25 years, an association is not required to reserve
1604 replacement costs for such items, but an association must
1605 reserve the amount of deferred maintenance expense, if any,
1606 which is recommended by the structural integrity reserve study
1607 for such items. The association may adjust replacement reserve
1608 assessments annually to take into account an inflation
1609 adjustment and any changes in estimates or extension of the
1610 useful life of a reserve item caused by deferred maintenance.
1611 The members of a unit-owner-controlled association may
1612 determine, by a majority vote of the total voting interests of
1613 the association, to provide no reserves or less reserves than
1614 required by this subsection. For a budget adopted on or after
1615 December 31, 2024, the members of a unit-owner-controlled
1616 association that must obtain a structural integrity reserve
1617 study may not determine to provide no reserves or less reserves
1618 than required by this subsection for items listed in paragraph
1619 (g), except that members of an association operating a
1620 multicondominium may determine to provide no reserves or less
1621 reserves than required by this subsection if an alternative
1622 funding method has been approved by the division. If the local
1623 building official, as defined in s. 468.603, determines that the
1624 entire condominium building is uninhabitable due to a natural
1625 emergency, as defined in s. 252.34, the board, upon the approval

1626 of a majority of its members, may pause the contribution to its
 1627 reserves or reduce reserve funding until the local building
 1628 official determines that the condominium building is habitable.

1629 Any reserve account funds held by the association may be
 1630 expended, pursuant to the board's determination, to make the
 1631 condominium building and its structures habitable. Upon the
 1632 determination by the local building official that the
 1633 condominium building is habitable, the association must
 1634 immediately resume contributing funds to its reserves.

1635 b. Before turnover of control of an association by a
 1636 developer to unit owners other than a developer under s.
 1637 718.301, the developer-controlled association may not vote to
 1638 waive the reserves or reduce funding of the reserves. If a
 1639 meeting of the unit owners has been called to determine whether
 1640 to waive or reduce the funding of reserves and no such result is
 1641 achieved or a quorum is not attained, the reserves included in
 1642 the budget shall go into effect. After the turnover, the
 1643 developer may vote its voting interest to waive or reduce the
 1644 funding of reserves.

1645 3. Reserve funds and any interest accruing thereon shall
 1646 remain in the reserve account or accounts, and may be used only
 1647 for authorized reserve expenditures unless their use for other
 1648 purposes is approved in advance by a majority vote of all the
 1649 total voting interests of the association. Before turnover of
 1650 control of an association by a developer to unit owners other

1651 than the developer pursuant to s. 718.301, the developer-
 1652 controlled association may not vote to use reserves for purposes
 1653 other than those for which they were intended. For a budget
 1654 adopted on or after December 31, 2024, members of a unit-owner-
 1655 controlled association that must obtain a structural integrity
 1656 reserve study may not vote to use reserve funds, or any interest
 1657 accruing thereon, for any other purpose other than the
 1658 replacement or deferred maintenance costs of the components
 1659 listed in paragraph (g).

1660 4. The only voting interests that are eligible to vote on
 1661 questions that involve waiving or reducing the funding of
 1662 reserves, or using existing reserve funds for purposes other
 1663 than purposes for which the reserves were intended, are the
 1664 voting interests of the units subject to assessment to fund the
 1665 reserves in question. Proxy questions relating to waiving or
 1666 reducing the funding of reserves or using existing reserve funds
 1667 for purposes other than purposes for which the reserves were
 1668 intended must contain the following statement in capitalized,
 1669 bold letters in a font size larger than any other used on the
 1670 face of the proxy ballot: WAIVING OF RESERVES, IN WHOLE OR IN
 1671 PART, OR ALLOWING ALTERNATIVE USES OF EXISTING RESERVES MAY
 1672 RESULT IN UNIT OWNER LIABILITY FOR PAYMENT OF UNANTICIPATED
 1673 SPECIAL ASSESSMENTS REGARDING THOSE ITEMS.

1674 (g) *Structural integrity reserve study.*—

1675 1. A residential condominium association must have a

1676 structural integrity reserve study completed at least every 10
1677 years after the condominium's creation for each building on the
1678 condominium property that is three stories or higher in height,
1679 as determined by the Florida Building Code, which includes, at a
1680 minimum, a study of the following items as related to the
1681 structural integrity and safety of the building:

- 1682 a. Roof.
- 1683 b. Structure, including load-bearing walls and other
1684 primary structural members and primary structural systems as
1685 those terms are defined in s. 627.706.
- 1686 c. Fireproofing and fire protection systems.
- 1687 d. Plumbing.
- 1688 e. Electrical systems.
- 1689 f. Waterproofing and exterior painting.
- 1690 g. Windows and exterior doors.
- 1691 h. Any other item that has a deferred maintenance expense
1692 or replacement cost that exceeds \$10,000 and the failure to
1693 replace or maintain such item negatively affects the items
1694 listed in sub-subparagraphs a.-g., as determined by the visual
1695 inspection portion of the structural integrity reserve study.

1696 2. A structural integrity reserve study is based on a
1697 visual inspection of the condominium property. A structural
1698 integrity reserve study may be performed by any person qualified
1699 to perform such study. However, the visual inspection portion of
1700 the structural integrity reserve study must be performed or

1701 verified by an engineer licensed under chapter 471, an architect
1702 licensed under chapter 481, or a person certified as a reserve
1703 specialist or professional reserve analyst by the Community
1704 Associations Institute or the Association of Professional
1705 Reserve Analysts.

1706 3. At a minimum, a structural integrity reserve study must
1707 identify each item of the condominium property being visually
1708 inspected, state the estimated remaining useful life and the
1709 estimated replacement cost or deferred maintenance expense of
1710 each item of the condominium property being visually inspected,
1711 and provide a reserve funding schedule with a recommended annual
1712 reserve amount that achieves the estimated replacement cost or
1713 deferred maintenance expense of each item of condominium
1714 property being visually inspected by the end of the estimated
1715 remaining useful life of the item. The structural integrity
1716 reserve study may recommend that reserves do not need to be
1717 maintained for any item for which an estimate of useful life and
1718 an estimate of replacement cost cannot be determined, or the
1719 study may recommend a deferred maintenance expense amount for
1720 such item. The structural integrity reserve study may recommend
1721 that reserves for replacement costs do not need to be maintained
1722 for any item with an estimated remaining useful life of greater
1723 than 25 years, but the study may recommend a deferred
1724 maintenance expense amount for such item.

1725 4. This paragraph does not apply to buildings less than

1726 three stories in height; single-family, two-family, or three-
1727 family dwellings with three or fewer habitable stories above
1728 ground; any portion or component of a building that has not been
1729 submitted to the condominium form of ownership; or any portion
1730 or component of a building that is maintained by a party other
1731 than the association.

1732 5. Before a developer turns over control of an association
1733 to unit owners other than the developer, the developer must have
1734 a turnover inspection report in compliance with s. 718.301(4)(p)
1735 and (q) for each building on the condominium property that is
1736 three stories or higher in height.

1737 6. Associations existing on or before July 1, 2022, which
1738 are controlled by unit owners other than the developer, must
1739 have a structural integrity reserve study completed by December
1740 31, 2024, for each building on the condominium property that is
1741 three stories or higher in height. An association that is
1742 required to complete a milestone inspection in accordance with
1743 s. 553.899 on or before December 31, 2026, may complete the
1744 structural integrity reserve study simultaneously with the
1745 milestone inspection. In no event may the structural integrity
1746 reserve study be completed after December 31, 2026.

1747 7. If the milestone inspection required by s. 553.899, or
1748 an inspection completed for a similar local requirement, was
1749 performed within the past 5 years and meets the requirements of
1750 this paragraph, such inspection may be used in place of the

1751 visual inspection portion of the structural integrity reserve
1752 study.

1753 8. If the officers or directors of an association
1754 willfully and knowingly fail to complete a structural integrity
1755 reserve study pursuant to this paragraph, such failure is a
1756 breach of an officer's and director's fiduciary relationship to
1757 the unit owners under s. 718.111(1).

1758 9. Within 45 days after receiving the structural integrity
1759 reserve study, the association must distribute a copy of the
1760 study to each unit owner or deliver to each unit owner a notice
1761 that the completed study is available for inspection and copying
1762 upon a written request. Distribution of a copy of the study or
1763 notice must be made by United States mail or personal delivery
1764 to the mailing address, property address, or any other address
1765 of the owner provided to fulfill the association's notice
1766 requirements under this chapter, or by electronic transmission
1767 to the e-mail address or facsimile number provided to fulfill
1768 the association's notice requirements to unit owners who
1769 previously consented to receive notice by electronic
1770 transmission.

1771 10. Within 45 days after receiving the structural
1772 integrity reserve study, the association must provide the
1773 division with a statement indicating that the study was
1774 completed and that the association provided or made available
1775 such study to each unit owner in accordance with this section.

1776 The statement must be provided to the division in the manner
1777 established by the division using a form posted on the
1778 division's website.

1779 (q) *Director or officer offenses.*—

1780 1. A director or an officer charged by information or
1781 indictment with any of the following crimes must be removed from
1782 office:

1783 a. Forgery, as provided in s. 831.01, of a ballot envelope
1784 or voting certificate used in a condominium association
1785 election.

1786 b. Theft, as provided in s. 812.014, or embezzlement
1787 involving the association's funds or property.

1788 c. Destruction of, or the refusal to allow inspection or
1789 copying of, an official record of a condominium association
1790 which is accessible to unit owners within the time periods
1791 required by general law, in furtherance of any crime. Such act
1792 constitutes tampering with physical evidence as provided in s.
1793 918.13.

1794 d. Obstruction of justice under chapter 843.

1795 2. The board shall fill the vacancy in accordance with
1796 paragraph (2) (d) a felony theft or embezzlement offense
1797 involving the association's funds or property must be removed
1798 from office, creating a vacancy in the office to be filled
1799 according to law until the end of the period of the suspension
1800 or the end of the director's term of office, whichever occurs

1801 first. While such director or officer has such criminal charge
1802 pending, he or she may not be appointed or elected to a position
1803 as a director or officer of any association and may not have
1804 access to the official records of any association, except
1805 pursuant to a court order. However, if the charges are resolved
1806 without a finding of guilt, the director or officer shall be
1807 reinstated for the remainder of his or her term of office, if
1808 any.

1809 (r) Fraudulent voting activities relating to association
1810 elections; penalties.-

1811 1. A person who engages in the following acts of
1812 fraudulent voting activity relating to association elections
1813 commits a misdemeanor of the first degree, punishable as
1814 provided in s. 775.082 or s. 775.083:

1815 a. Willfully and falsely swearing to or affirming an oath
1816 or affirmation, or willfully procuring another person to falsely
1817 swear to or affirm an oath or affirmation, in connection with or
1818 arising out of voting activities.

1819 b. Perpetrating or attempting to perpetrate, or aiding in
1820 the perpetration of, fraud in connection with a vote cast, to be
1821 cast, or attempted to be cast.

1822 c. Preventing a member from voting or preventing a member
1823 from voting as he or she intended by fraudulently changing or
1824 attempting to change a ballot, ballot envelope, vote, or voting
1825 certificate of the member.

1826 d. Menacing, threatening, or using bribery or any other
 1827 corruption to attempt, directly or indirectly, to influence,
 1828 deceive, or deter a member when the member is voting.

1829 e. Giving or promising, directly or indirectly, anything
 1830 of value to another member with the intent to buy the vote of
 1831 that member or another member or to corruptly influence that
 1832 member or another member in casting his or her vote. This sub-
 1833 subparagraph does not apply to any food served which is to be
 1834 consumed at an election rally or a meeting or to any item of
 1835 nominal value which is used as an election advertisement,
 1836 including a campaign message designed to be worn by a member.

1837 f. Using or threatening to use, directly or indirectly,
 1838 force, violence, or intimidation or any tactic of coercion or
 1839 intimidation to induce or compel a member to vote or refrain
 1840 from voting in an election or on a particular ballot measure.

1841 2. Each of the following acts constitutes a misdemeanor of
 1842 the first degree, punishable as provided in s. 775.082 or s.
 1843 775.083:

1844 a. Knowingly aiding, abetting, or advising a person in the
 1845 commission of a fraudulent voting activity related to
 1846 association elections.

1847 b. Agreeing, conspiring, combining, or confederating with
 1848 at least one other person to commit a fraudulent voting activity
 1849 related to association elections.

1850 c. Having knowledge of a fraudulent voting activity

1851 related to association elections and giving any aid to the
 1852 offender with intent that the offender avoid or escape
 1853 detection, arrest, trial, or punishment. This sub-subparagraph
 1854 does not apply to a licensed attorney giving legal advice to a
 1855 client.

1856 Section 10. Subsection (5) of section 718.113, Florida
 1857 Statutes, is amended to read:

1858 718.113 Maintenance; limitation upon improvement; display
 1859 of flag; hurricane ~~shutters~~ and protection; display of religious
 1860 decorations.—

1861 (5) To protect the health, safety, and welfare of the
 1862 people of the state and to ensure uniformity and consistency in
 1863 the hurricane protections installed by condominium associations
 1864 and unit owners, this subsection applies to all residential and
 1865 mixed-use condominiums in the state, regardless of when the
 1866 condominium is created pursuant to the declaration of
 1867 condominium. Each board of administration of a residential
 1868 condominium or mixed-use condominium must ~~shall~~ adopt hurricane
 1869 protection ~~shutter~~ specifications for each building within each
 1870 condominium operated by the association which may ~~shall~~ include
 1871 color, style, and other factors deemed relevant by the board.
 1872 All specifications adopted by the board must comply with the
 1873 applicable building code. The installation, maintenance, repair,
 1874 replacement, and operation of hurricane protection in accordance
 1875 with this subsection is not considered a material alteration or

1876 substantial addition to the common elements or association
 1877 property within the meaning of this section.

1878 (a) The board may, subject to s. 718.3026 and the approval
 1879 of a majority of voting interests of the residential condominium
 1880 or mixed-use condominium, install or require that unit owners
 1881 install hurricane shutters, impact glass, code-compliant windows
 1882 or doors, or other types of code-compliant hurricane protection
 1883 that complies ~~comply~~ with or exceeds ~~exceed~~ the applicable
 1884 building code. A vote of the unit owners to require the
 1885 installation of hurricane protection must be set forth in a
 1886 certificate attesting to such vote and include the date that the
 1887 hurricane protection must be installed. The board must record
 1888 the certificate in the public records of the county in which the
 1889 condominium is located. Once the certificate is recorded, the
 1890 board must mail or hand deliver a copy of the recorded
 1891 certificate to the unit owners at the owners' addresses, as
 1892 reflected in the records of the association. The board may
 1893 provide to unit owners who previously consented to receive
 1894 notice by electronic transmission a copy of the recorded
 1895 certificate by electronic transmission. The failure to record
 1896 the certificate or send a copy of the recorded certificate to
 1897 the unit owners does not affect the validity or enforceability
 1898 of the vote of the unit owners. ~~However,~~ A vote of the unit
 1899 owners under this paragraph is not required if the installation,
 1900 maintenance, repair, and replacement of the hurricane shutters,

1901 ~~impact glass, code-compliant windows or doors, or other types of~~
 1902 ~~code-compliant hurricane protection, or any exterior windows,~~
 1903 ~~doors, or other apertures protected by the hurricane protection,~~
 1904 is ~~are~~ the responsibility of the association pursuant to the
 1905 declaration of condominium as originally recorded or as amended,
 1906 or if the unit owners are required to install hurricane
 1907 protection pursuant to the declaration of condominium as
 1908 originally recorded or as amended. If hurricane protection ~~or~~
 1909 ~~laminated glass or window film architecturally designed to~~
 1910 ~~function as hurricane protection~~ that complies with or exceeds
 1911 the current applicable building code has been previously
 1912 installed, the board may not install the same type of hurricane
 1913 ~~shutters, impact glass, code-compliant windows or doors, or~~
 1914 ~~other types of code-compliant hurricane protection~~ or require
 1915 that unit owners install the same type of hurricane protection
 1916 unless the installed hurricane protection has reached the end of
 1917 its useful life or unless it is necessary to prevent damage to
 1918 the common elements or to a unit ~~except upon approval by a~~
 1919 ~~majority vote of the voting interests.~~

1920 ~~(b) The association is responsible for the maintenance,~~
 1921 ~~repair, and replacement of the hurricane shutters, impact glass,~~
 1922 ~~code-compliant windows or doors, or other types of code-~~
 1923 ~~compliant hurricane protection authorized by this subsection if~~
 1924 ~~such property is the responsibility of the association pursuant~~
 1925 ~~to the declaration of condominium. If the hurricane shutters,~~

1926 ~~impact glass, code-compliant windows or doors, or other types of~~
 1927 ~~code-compliant hurricane protection are the responsibility of~~
 1928 ~~the unit owners pursuant to the declaration of condominium, the~~
 1929 ~~maintenance, repair, and replacement of such items are the~~
 1930 ~~responsibility of the unit owner.~~

1931 (b)~~(e)~~ The board may operate ~~shutters, impact glass, code-~~
 1932 ~~compliant windows or doors, or other types of code-compliant~~
 1933 ~~hurricane protection installed pursuant to this subsection~~
 1934 without permission of the unit owners only if such operation is
 1935 necessary to preserve and protect the condominium property or
 1936 and association property. ~~The installation, replacement,~~
 1937 ~~operation, repair, and maintenance of such shutters, impact~~
 1938 ~~glass, code-compliant windows or doors, or other types of code-~~
 1939 ~~compliant hurricane protection in accordance with the procedures~~
 1940 ~~set forth in this paragraph are not a material alteration to the~~
 1941 ~~common elements or association property within the meaning of~~
 1942 ~~this section.~~

1943 (c)~~(d)~~ Notwithstanding any other provision in the
 1944 residential condominium or mixed-use condominium documents, if
 1945 approval is required by the documents, a board may not refuse to
 1946 approve the installation or replacement of ~~hurricane shutters,~~
 1947 ~~impact glass, code-compliant windows or doors, or other types of~~
 1948 ~~code-compliant~~ hurricane protection by a unit owner which
 1949 conforms ~~conforming~~ to the specifications adopted by the board.
 1950 However, a board may require the unit owner to adhere to an

1951 existing unified building scheme regarding the external
1952 appearance of the condominium.

1953 (d) A unit owner is not responsible for the cost of any
1954 removal or reinstallation of hurricane protection, including
1955 exterior windows, doors, or other apertures, if its removal is
1956 necessary for the maintenance, repair, or replacement of other
1957 condominium property or association property for which the
1958 association is responsible. The board shall determine if the
1959 removal or reinstallation of hurricane protection must be
1960 completed by the unit owner or the association. If such removal
1961 or reinstallation is completed by the association, the costs
1962 incurred by the association may not be charged to the unit
1963 owner. If such removal or reinstallation is completed by the
1964 unit owner, the association must reimburse the unit owner for
1965 the cost of the removal or reinstallation or the association
1966 must apply a credit toward future assessments in the amount of
1967 the unit owner's cost to remove or reinstall the hurricane
1968 protection.

1969 (e) If the removal or reinstallation of hurricane
1970 protection, including exterior windows, doors, or other
1971 apertures, is the responsibility of the unit owner and the
1972 association completes such removal or reinstallation and then
1973 charges the unit owner for such removal or reinstallation, such
1974 charges are enforceable as an assessment and may be collected in
1975 the manner provided under s. 718.116.

1976 Section 11. Paragraph (e) of subsection (1) of section
 1977 718.115, Florida Statutes, is amended to read:
 1978 718.115 Common expenses and common surplus.—
 1979 (1)
 1980 (e)1. ~~Except as provided in s. 718.113(5) (d), The expense~~
 1981 ~~of installation, replacement, operation, repair, and maintenance~~
 1982 ~~of hurricane shutters, impact glass, code-compliant windows or~~
 1983 ~~doors, or other types of code-compliant hurricane protection by~~
 1984 ~~the board pursuant to s. 718.113(5) constitutes a common expense~~
 1985 ~~and shall be collected as provided in this section if the~~
 1986 ~~association is responsible for the maintenance, repair, and~~
 1987 ~~replacement of the hurricane shutters, impact glass, code-~~
 1988 ~~compliant windows or doors, or other types of code-compliant~~
 1989 ~~hurricane protection pursuant to the declaration of condominium.~~
 1990 However, if the installation of maintenance, repair, and
 1991 replacement of the hurricane shutters, impact glass, code-
 1992 compliant windows or doors, or other types of code-compliant
 1993 hurricane protection is are the responsibility of the unit
 1994 owners pursuant to the declaration of condominium or a vote of
 1995 the unit owners under s. 718.113(5), the cost of the
 1996 installation of ~~the hurricane shutters, impact glass, code-~~
 1997 ~~compliant windows or doors, or other types of code-compliant~~
 1998 hurricane protection by the association is not a common expense
 1999 and must ~~shall~~ be charged individually to the unit owners based
 2000 on the cost of installation of ~~the hurricane shutters, impact~~

2001 ~~glass, code-compliant windows or doors, or other types of code-~~
 2002 ~~compliant~~ hurricane protection appurtenant to the unit. The
 2003 costs of installation of hurricane protection are enforceable as
 2004 an assessment and may be collected in the manner provided under
 2005 s. 718.116.

2006 2. Notwithstanding s. 718.116(9), and regardless of
 2007 whether ~~or not~~ the declaration requires the association or unit
 2008 owners to install, maintain, repair, or replace hurricane
 2009 ~~shutters, impact glass, code-compliant windows or doors, or~~
 2010 ~~other types of code-compliant~~ hurricane protection, the a unit
 2011 owner of a unit in which who has previously installed hurricane
 2012 ~~shutters in accordance with s. 718.113(5) that comply with the~~
 2013 ~~current applicable building code shall receive a credit when the~~
 2014 ~~shutters are installed; a unit owner who has previously~~
 2015 ~~installed impact glass or code-compliant windows or doors that~~
 2016 ~~comply with the current applicable building code shall receive a~~
 2017 ~~credit when the impact glass or code-compliant windows or doors~~
 2018 ~~are installed; and a unit owner who has installed other types of~~
 2019 ~~code-compliant~~ hurricane protection that complies ~~comply~~ with
 2020 the current applicable building code has been installed is
 2021 excused from any assessment levied by the association or shall
 2022 receive a credit if ~~when~~ the same type of ~~other code-compliant~~
 2023 hurricane protection is installed by the association. A credit
 2024 is applicable if the installation of hurricane protection is for
 2025 all other units that do not have hurricane protection and the

2026 cost of such installation is funded by the association's budget,
 2027 including the use of reserve funds. The credit must be equal to
 2028 the amount that the unit owner would have been assessed to
 2029 install the hurricane protection, ~~and the credit shall be equal~~
 2030 ~~to the pro rata portion of the assessed installation cost~~
 2031 ~~assigned to each unit.~~ However, such unit owner remains
 2032 responsible for the pro rata share of expenses for hurricane
 2033 ~~shutters, impact glass, code-compliant windows or doors, or~~
 2034 ~~other types of code-compliant~~ hurricane protection installed on
 2035 common elements and association property by the board pursuant
 2036 to s. 718.113(5) and remains responsible for a pro rata share of
 2037 the expense of the replacement, operation, repair, and
 2038 maintenance of such ~~shutters, impact glass, code-compliant~~
 2039 ~~windows or doors, or other types of code-compliant~~ hurricane
 2040 protection. Expenses for the installation, replacement,
 2041 operation, repair, or maintenance of hurricane protection on
 2042 common elements and association property are common expenses.

2043 Section 12. Paragraph (a) of subsection (4) of section
 2044 718.121, Florida Statutes, is amended to read:

2045 718.121 Liens.—

2046 (4) (a) If an association sends out an invoice for
 2047 assessments or a unit's statement of the account described in s.
 2048 718.111(12)(a)11.c. ~~s. 718.111(12)(a)11.b.~~, the invoice for
 2049 assessments or the unit's statement of account must be delivered
 2050 to the unit owner by first-class United States mail or by

2051 | electronic transmission to the unit owner's e-mail address
 2052 | maintained in the association's official records.

2053 | Section 13. Section 718.124, Florida Statutes, is amended
 2054 | to read:

2055 | 718.124 Limitation on actions by association.—The statute
 2056 | of limitations and statute of repose for any actions in law or
 2057 | equity which a condominium association or a cooperative
 2058 | association may have shall not begin to run until the unit
 2059 | owners have elected a majority of the members of the board of
 2060 | administration.

2061 | Section 14. Section 718.1224, Florida Statutes, is amended
 2062 | to read:

2063 | 718.1224 Prohibition against SLAPP suits; other prohibited
 2064 | actions.—

2065 | (1) It is the intent of the Legislature to protect the
 2066 | right of condominium unit owners to exercise their rights to
 2067 | instruct their representatives and petition for redress of
 2068 | grievances before their condominium associations and the various
 2069 | governmental entities of this state as protected by the First
 2070 | Amendment to the United States Constitution and s. 5, Art. I of
 2071 | the State Constitution. The Legislature recognizes that
 2072 | strategic lawsuits against public participation, or "SLAPP
 2073 | suits," as they are typically referred to, have occurred when
 2074 | association members are sued by condominium associations,
 2075 | individuals, business entities, or governmental entities arising

2076 out of a condominium unit owner's appearance and presentation
 2077 before the board of the condominium association or a
 2078 governmental entity on matters related to the condominium
 2079 association. However, it is the public policy of this state that
 2080 condominium associations, governmental entities, business
 2081 organizations, and individuals not engage in SLAPP suits,
 2082 because such actions are inconsistent with the right of
 2083 condominium unit owners to participate in their condominium
 2084 association and in the state's institutions of government.
 2085 Therefore, the Legislature finds and declares that prohibiting
 2086 such lawsuits by condominium associations, governmental
 2087 entities, business entities, and individuals against condominium
 2088 unit owners who address matters concerning their condominium
 2089 association will preserve this fundamental state policy,
 2090 preserve the constitutional rights of condominium unit owners,
 2091 ~~and~~ ensure the continuation of representative government in this
 2092 state, and ensure unit owner participation in condominium
 2093 associations. It is the intent of the Legislature that such
 2094 lawsuits be expeditiously disposed of by the courts. As used in
 2095 this subsection, the term "governmental entity" means the state,
 2096 including the executive, legislative, and judicial branches of
 2097 government; law enforcement agencies; the independent
 2098 establishments of the state, counties, municipalities,
 2099 districts, authorities, boards, or commissions; or any agencies
 2100 of these branches that are subject to chapter 286.

2101 (2) A condominium association, governmental entity,
 2102 business organization, or individual in this state may not file
 2103 or cause to be filed through its employees or agents any
 2104 lawsuit, cause of action, claim, cross-claim, or counterclaim
 2105 against a condominium unit owner without merit and solely
 2106 because such condominium unit owner has exercised the right to
 2107 instruct his or her representatives or the right to petition for
 2108 redress of grievances before the condominium association or the
 2109 various governmental entities of this state, as protected by the
 2110 First Amendment to the United States Constitution and s. 5, Art.
 2111 I of the State Constitution.

2112 (3) It is unlawful for a condominium association to fine,
 2113 discriminatorily increase a unit owner's assessments,
 2114 discriminatorily decrease services to a unit owner, or bring or
 2115 threaten to bring an action for possession or other civil
 2116 action, including a defamation, libel, slander, or tortious
 2117 interference action, based on conduct described in this
 2118 subsection. In order for the unit owner to raise the defense of
 2119 retaliatory conduct, the unit owner must have acted in good
 2120 faith and not for any improper purposes, such as to harass or to
 2121 cause unnecessary delay or for frivolous purpose or needless
 2122 increase in the cost of litigation. Examples of conduct for
 2123 which a condominium association, an officer, a director, or an
 2124 agent of an association may not retaliate include, but are not
 2125 limited to, situations in which:

2126 (a) The unit owner has in good faith complained to a
 2127 governmental agency charged with responsibility for enforcement
 2128 of a building, housing, or health code of a suspected violation
 2129 applicable to the condominium;

2130 (b) The unit owner has organized, encouraged, or
 2131 participated in a unit owners' organization;

2132 (c) The unit owner submitted information or filed a
 2133 complaint alleging criminal violations or violations of this
 2134 chapter or the rules of the division with the division, the
 2135 Office of the Condominium Ombudsman, a law enforcement agency, a
 2136 state attorney, the Attorney General, or any other governmental
 2137 agency;

2138 (d) The unit owner has exercised his or her rights under
 2139 this chapter;

2140 (e) The unit owner has complained to the association or
 2141 any of the association's representatives for the failure to
 2142 comply with this chapter or chapter 617; or

2143 (f) The unit owner has made public statements critical of
 2144 the operation or management of the association.

2145 (4) Evidence of retaliatory conduct may be raised by the
 2146 unit owner as a defense in any action brought against him or her
 2147 for possession.

2148 (5)~~(3)~~ A condominium unit owner sued by a condominium
 2149 association, governmental entity, business organization, or
 2150 individual in violation of this section has a right to an

2151 expeditious resolution of a claim that the suit is in violation
2152 of this section. A condominium unit owner may petition the court
2153 for an order dismissing the action or granting final judgment in
2154 favor of that condominium unit owner. The petitioner may file a
2155 motion for summary judgment, together with supplemental
2156 affidavits, seeking a determination that the condominium
2157 association's, governmental entity's, business organization's,
2158 or individual's lawsuit has been brought in violation of this
2159 section. The condominium association, governmental entity,
2160 business organization, or individual shall thereafter file its
2161 response and any supplemental affidavits. As soon as
2162 practicable, the court shall set a hearing on the petitioner's
2163 motion, which shall be held at the earliest possible time after
2164 the filing of the condominium association's, governmental
2165 entity's, business organization's, or individual's response. The
2166 court may award the condominium unit owner sued by the
2167 condominium association, governmental entity, business
2168 organization, or individual actual damages arising from the
2169 condominium association's, governmental entity's, individual's,
2170 or business organization's violation of this section. A court
2171 may treble the damages awarded to a prevailing condominium unit
2172 owner and shall state the basis for the treble damages award in
2173 its judgment. The court shall award the prevailing party
2174 reasonable attorney's fees and costs incurred in connection with
2175 a claim that an action was filed in violation of this section.

2176 ~~(6)-(4)~~ Condominium associations may not expend association
 2177 funds in prosecuting a SLAPP suit against a condominium unit
 2178 owner.

2179 (7) Condominium associations may not expend association
 2180 funds in support of a defamation, libel, slander, or tortious
 2181 interference action against a unit owner or any other claim
 2182 against a unit owner based on conduct described in subsection
 2183 (3).

2184 Section 15. Section 718.128, Florida Statutes, is amended
 2185 to read:

2186 718.128 Electronic voting.—The association may conduct
 2187 elections and other unit owner votes through an Internet-based
 2188 online voting system if a unit owner consents, electronically or
 2189 in writing, to online voting and if the following requirements
 2190 are met:

2191 (1) The association provides each unit owner with:

2192 (a) A method to authenticate the unit owner's identity to
 2193 the online voting system.

2194 (b) For elections of the board, a method to transmit an
 2195 electronic ballot to the online voting system that ensures the
 2196 secrecy and integrity of each ballot.

2197 (c) A method to confirm, at least 14 days before the
 2198 voting deadline, that the unit owner's electronic device can
 2199 successfully communicate with the online voting system.

2200 (2) The association uses an online voting system that is:

2201 (a) Able to authenticate the unit owner's identity.

2202 (b) Able to authenticate the validity of each electronic
 2203 vote to ensure that the vote is not altered in transit.

2204 (c) Able to transmit a receipt from the online voting
 2205 system to each unit owner who casts an electronic vote.

2206 (d) For elections of the board of administration, able to
 2207 permanently separate any authentication or identifying
 2208 information from the electronic election ballot, rendering it
 2209 impossible to tie an election ballot to a specific unit owner.

2210 (e) Able to store and keep electronic votes accessible to
 2211 election officials for recount, inspection, and review purposes.

2212 (3) A unit owner voting electronically pursuant to this
 2213 section shall be counted as being in attendance at the meeting
 2214 for purposes of determining a quorum. A substantive vote of the
 2215 unit owners may not be taken on any issue other than the issues
 2216 specifically identified in the electronic vote, when a quorum is
 2217 established based on unit owners voting electronically pursuant
 2218 to this section.

2219 (4) This section applies to an association that provides
 2220 for and authorizes an online voting system pursuant to this
 2221 section by a board resolution. If the board authorizes online
 2222 voting, the board must honor a unit owner's request to vote
 2223 electronically at all subsequent elections, unless such unit
 2224 owner opts out of online voting. The board resolution must
 2225 provide that unit owners receive notice of the opportunity to

2226 | vote through an online voting system, must establish reasonable
2227 | procedures and deadlines for unit owners to consent,
2228 | electronically or in writing, to online voting, and must
2229 | establish reasonable procedures and deadlines for unit owners to
2230 | opt out of online voting after giving consent. Written notice of
2231 | a meeting at which the resolution will be considered must be
2232 | mailed, delivered, or electronically transmitted to the unit
2233 | owners and posted conspicuously on the condominium property or
2234 | association property at least 14 days before the meeting.
2235 | Evidence of compliance with the 14-day notice requirement must
2236 | be made by an affidavit executed by the person providing the
2237 | notice and filed with the official records of the association.

2238 | (5) A unit owner's consent to online voting is valid until
2239 | the unit owner opts out of online voting according to the
2240 | procedures established by the board of administration pursuant
2241 | to subsection (4).

2242 | (6) This section may apply to any matter that requires a
2243 | vote of the unit owners who are not members of a timeshare
2244 | condominium association.

2245 | Section 16. Effective October 1, 2024, subsections (1) and
2246 | (3) of section 718.202, Florida Statutes, are amended to read:

2247 | 718.202 Sales or reservation deposits prior to closing.—

2248 | (1) If a developer contracts to sell a condominium parcel
2249 | and the construction, furnishing, and landscaping of the
2250 | property submitted or proposed to be submitted to condominium

2251 ownership has not been substantially completed in accordance
2252 with the plans and specifications and representations made by
2253 the developer in the disclosures required by this chapter, the
2254 developer shall pay into an escrow account all payments up to 10
2255 percent of the sale price received by the developer from the
2256 buyer towards the sale price. The escrow agent shall give to the
2257 purchaser a receipt for the deposit, upon request. In lieu of
2258 the foregoing concerning residential condominiums, the division
2259 director has the discretion to accept other assurances,
2260 including, but not limited to, a surety bond or an irrevocable
2261 letter of credit in an amount equal to the escrow requirements
2262 of this section. With respect to nonresidential condominiums,
2263 the developer may deliver to the escrow agent a surety bond or
2264 an irrevocable letter of credit in an amount equivalent to the
2265 aggregate of some or all of all payments, up to 10 percent of
2266 the sale price, received by the developer from all buyers toward
2267 the sale price. In all cases, the aggregate of the initial 10
2268 percent deposits being released must be secured by a surety bond
2269 or irrevocable letter of credit in an equivalent amount. Default
2270 determinations and refund of deposits shall be governed by the
2271 escrow release provision of this subsection. Funds shall be
2272 released from escrow as follows:

2273 (a) If a buyer properly terminates the contract pursuant
2274 to its terms or pursuant to this chapter, the funds shall be
2275 paid to the buyer together with any interest earned.

2276 (b) If the buyer defaults in the performance of his or her
 2277 obligations under the contract of purchase and sale, the funds
 2278 shall be paid to the developer together with any interest
 2279 earned.

2280 (c) If the contract does not provide for the payment of
 2281 any interest earned on the escrowed funds, interest shall be
 2282 paid to the developer at the closing of the transaction.

2283 (d) If the funds of a buyer have not been previously
 2284 disbursed in accordance with the provisions of this subsection,
 2285 they may be disbursed to the developer by the escrow agent at
 2286 the closing of the transaction, unless prior to the disbursement
 2287 the escrow agent receives from the buyer written notice of a
 2288 dispute between the buyer and developer.

2289 (3) If the contract for sale of the condominium unit so
 2290 provides, the developer may withdraw escrow funds in excess of
 2291 10 percent of the purchase price from the special account
 2292 required by subsection (2) when the construction of improvements
 2293 has begun. He or she may use the funds for the actual costs
 2294 incurred by the developer in the construction and development of
 2295 the condominium property, or the easements and rights
 2296 appurtenant thereto, in which the unit to be sold is located.
 2297 For purposes of this subsection, the term "actual costs"
 2298 includes, but is not limited to, expenditures for demolition,
 2299 site clearing, permit fees, impact fees, and utility reservation
 2300 fees, as well as architectural, engineering, and surveying fees

2301 that directly relate to construction and development of the
2302 condominium property or the easements and rights appurtenant
2303 thereto. However, no part of these funds may be used for
2304 salaries, commissions, or expenses of salespersons; for
2305 advertising, marketing, or promotional purposes; or for loan
2306 fees and costs, principal and interest on loans, attorney fees,
2307 accounting fees, or insurance costs. A contract that ~~which~~
2308 permits use of the advance payments for these purposes must
2309 ~~shall~~ include the following legend conspicuously printed or
2310 stamped in boldfaced type on the first page of the contract and
2311 immediately above the place for the signature of the buyer: "ANY
2312 PAYMENT IN EXCESS OF 10 PERCENT OF THE PURCHASE PRICE MADE TO
2313 DEVELOPER PRIOR TO CLOSING PURSUANT TO THIS CONTRACT MAY BE USED
2314 FOR CONSTRUCTION PURPOSES BY THE DEVELOPER."

2315 Section 17. Paragraph (p) of subsection (4) of section
2316 718.301, Florida Statutes, is amended to read:

2317 718.301 Transfer of association control; claims of defect
2318 by association.—

2319 (4) At the time that unit owners other than the developer
2320 elect a majority of the members of the board of administration
2321 of an association, the developer shall relinquish control of the
2322 association, and the unit owners shall accept control.

2323 Simultaneously, or for the purposes of paragraph (c) not more
2324 than 90 days thereafter, the developer shall deliver to the
2325 association, at the developer's expense, all property of the

2326 unit owners and of the association which is held or controlled
2327 by the developer, including, but not limited to, the following
2328 items, if applicable, as to each condominium operated by the
2329 association:

2330 (p) Notwithstanding when the certificate of occupancy was
2331 issued or the height of the building, a turnover inspection
2332 report included in the official records, under seal of an
2333 architect or engineer authorized to practice in this state or a
2334 person certified as a reserve specialist or professional reserve
2335 analyst by the Community Associations Institute or the
2336 Association of Professional Reserve Analysts, and consisting of
2337 a structural integrity reserve study attesting to required
2338 maintenance, condition, useful life, and replacement costs of
2339 the following applicable condominium property:

- 2340 1. Roof.
- 2341 2. Structure, including load-bearing walls and primary
2342 structural members and primary structural systems as those terms
2343 are defined in s. 627.706.
- 2344 3. Fireproofing and fire protection systems.
- 2345 4. Plumbing.
- 2346 5. Electrical systems.
- 2347 6. Waterproofing and exterior painting.
- 2348 7. Windows and exterior doors.

2349 Section 18. Subsections (4) and (5) of section 718.3027,
2350 Florida Statutes, are amended to read:

2351 718.3027 Conflicts of interest.—

2352 (4) A director or an officer, or a relative of a director
 2353 or an officer, who is a party to, or has an interest in, an
 2354 activity that is a possible conflict of interest, as described
 2355 in subsection (1), may attend the meeting at which the activity
 2356 is considered by the board and is authorized to make a
 2357 presentation to the board regarding the activity. After the
 2358 presentation, the director or officer, and any ~~or the~~ relative
 2359 of the director or officer, must leave the meeting during the
 2360 discussion of, and the vote on, the activity. A director or an
 2361 officer who is a party to, or has an interest in, the activity
 2362 must recuse himself or herself from the vote. The attendance of
 2363 a director or an officer with a possible conflict of interest at
 2364 the meeting of the board is sufficient to constitute a quorum
 2365 for the meeting and the vote in his or her absence on the
 2366 proposed activity.

2367 (5) A contract entered into between a director or an
 2368 officer, or a relative of a director or an officer, and the
 2369 association, which is not a timeshare condominium association,
 2370 that has not been properly disclosed as a conflict of interest
 2371 or potential conflict of interest as required by this section or
 2372 s. 617.0832 ~~s. 718.111(12)(g)~~ is voidable and terminates upon
 2373 the filing of a written notice terminating the contract with the
 2374 board of directors which contains the consent of at least 20
 2375 percent of the voting interests of the association.

2376 Section 19. Subsection (5) of section 718.303, Florida
 2377 Statutes, is amended to read:
 2378 718.303 Obligations of owners and occupants; remedies.—
 2379 (5) An association may suspend the voting rights of a unit
 2380 owner or member due to nonpayment of any fee, fine, or other
 2381 monetary obligation due to the association which is more than
 2382 \$1,000 and more than 90 days delinquent. Proof of such
 2383 obligation must be provided to the unit owner or member 30 days
 2384 before such suspension takes effect. At least 90 days before an
 2385 election, an association must notify a unit owner or member that
 2386 his or her voting rights may be suspended due to a nonpayment of
 2387 a fee or other monetary obligation. A voting interest or consent
 2388 right allocated to a unit owner or member which has been
 2389 suspended by the association shall be subtracted from the total
 2390 number of voting interests in the association, which shall be
 2391 reduced by the number of suspended voting interests when
 2392 calculating the total percentage or number of all voting
 2393 interests available to take or approve any action, and the
 2394 suspended voting interests shall not be considered for any
 2395 purpose, including, but not limited to, the percentage or number
 2396 of voting interests necessary to constitute a quorum, the
 2397 percentage or number of voting interests required to conduct an
 2398 election, or the percentage or number of voting interests
 2399 required to approve an action under this chapter or pursuant to
 2400 the declaration, articles of incorporation, or bylaws. The

2401 suspension ends upon full payment of all obligations currently
 2402 due or overdue the association. The notice and hearing
 2403 requirements under subsection (3) do not apply to a suspension
 2404 imposed under this subsection.

2405 Section 20. Effective October 1, 2024, section 718.407,
 2406 Florida Statutes, is created to read:

2407 718.407 Condominiums created within a portion of a
 2408 building or within a multiple parcel building.-

2409 (1) A condominium may be created in accordance with this
 2410 section within a portion of a building or within a multiple
 2411 parcel building, as defined in s. 193.0237(1).

2412 (2) The common elements of a condominium created within a
 2413 portion of a building or within a multiple parcel building are
 2414 only those portions of the building submitted to the condominium
 2415 form of ownership, excluding the units of such condominium.

2416 (3) The declaration of condominium that creates a
 2417 condominium within a portion of a building or within a multiple
 2418 parcel building, the recorded instrument that creates the
 2419 multiple parcel building, and any other recorded instrument
 2420 applicable under this section must specify all of the following:

2421 (a) The portions of the building which are included in the
 2422 condominium and the portions of the building which are excluded.

2423 (b) The party responsible for maintaining and operating
 2424 those portions of the building which are shared facilities,
 2425 including, but not limited to, the roof, the exterior of the

2426 building, the windows, the balconies, the elevators, the
2427 building lobby, the corridors, the recreational amenities, and
2428 the utilities.

2429 (c)1. The manner in which the expenses for the maintenance
2430 and operation of the shared facilities will be apportioned. An
2431 owner of a portion of a building which is not submitted to the
2432 condominium form of ownership or the condominium association, as
2433 applicable to the portion of the building submitted to the
2434 condominium form of ownership, must approve any increase to the
2435 apportionment of expenses to such portion of the building. The
2436 apportionment of the expenses for the maintenance and operation
2437 of the shared facilities may be based on any of the following
2438 criteria or any combination thereof:

2439 a. The area or volume of each portion of the building in
2440 relation to the total area or volume of the entire building,
2441 exclusive of the shared facilities.

2442 b. The initial estimated market value of each portion of
2443 the building in comparison to the total initial estimated market
2444 value of the entire building.

2445 c. The extent to which the unit owners are permitted to
2446 use various shared facilities.

2447 2. This paragraph does not preclude an alternative
2448 apportionment of expenses as long as such apportionment is
2449 stated in the declaration of condominium that creates a
2450 condominium within a portion of a building or within a multiple

2451 parcel building, the recorded instrument that creates the
 2452 multiple parcel building, or any other recorded instrument
 2453 applicable under this section.

2454 (d) The party responsible for collecting the shared
 2455 expenses.

2456 (e) The rights and remedies that are available to enforce
 2457 payment of the shared expenses.

2458 (4) The association of a condominium subject to this
 2459 section may inspect and copy the books and records upon which
 2460 the costs for maintaining and operating the shared facilities
 2461 are based and to receive an annual budget with respect to such
 2462 costs.

2463 (5) Each contract for the sale of a unit in a condominium
 2464 subject to this section must contain in conspicuous type a
 2465 clause that substantially states:

2466
 2467 DISCLOSURE SUMMARY

2468 THE CONDOMINIUM IN WHICH YOUR UNIT IS LOCATED IS CREATED
 2469 WITHIN A PORTION OF A BUILDING OR WITHIN A MULTIPLE PARCEL
 2470 BUILDING. THE COMMON ELEMENTS OF THE CONDOMINIUM CONSIST
 2471 ONLY OF THE PORTIONS OF THE BUILDING SUBMITTED TO THE
 2472 CONDOMINIUM FORM OF OWNERSHIP.

2473
 2474 BUYER ACKNOWLEDGES ALL OF THE FOLLOWING:
 2475

2476 (1) THE CONDOMINIUM MAY HAVE MINIMAL COMMON ELEMENTS.

2477 (2) PORTIONS OF THE BUILDING WHICH ARE NOT INCLUDED IN THE

2478 CONDOMINIUM ARE OR WILL BE GOVERNED BY A SEPARATE RECORDED

2479 INSTRUMENT. SUCH INSTRUMENT CONTAINS IMPORTANT PROVISIONS

2480 AND RIGHTS AND IS OR WILL BE AVAILABLE IN PUBLIC RECORDS.

2481 (3) THE PARTY THAT CONTROLS THE MAINTENANCE AND OPERATION

2482 OF THE PORTIONS OF THE BUILDING WHICH ARE NOT INCLUDED IN

2483 THE CONDOMINIUM DETERMINES THE BUDGET FOR THE OPERATION AND

2484 MAINTENANCE OF SUCH PORTIONS. HOWEVER, THE ASSOCIATION AND

2485 UNIT OWNERS ARE STILL RESPONSIBLE FOR THEIR SHARE OF SUCH

2486 EXPENSES.

2487 (4) THE ALLOCATION BETWEEN THE UNIT OWNERS AND THE OWNERS

2488 OF THE PORTIONS OF THE BUILDING WHICH ARE NOT INCLUDED IN

2489 THE CONDOMINIUM OF THE COSTS TO MAINTAIN AND OPERATE THE

2490 BUILDING CAN BE FOUND IN THE DECLARATION OF CONDOMINIUM OR

2491 OTHER RECORDED INSTRUMENT.

2492

2493 (6) The creation of a multiple parcel building is not a

2494 subdivision of the land upon which such building is situated

2495 provided the land itself is not subdivided.

2496 Section 21. Subsections (1) and (2) of section 718.501,

2497 Florida Statutes, are amended to read:

2498 718.501 Authority, responsibility, and duties of Division

2499 of Florida Condominiums, Timeshares, and Mobile Homes.—

2500 (1) The division may enforce and ensure compliance with

2501 this chapter and rules relating to the development,
2502 construction, sale, lease, ownership, operation, and management
2503 of residential condominium units and complaints related to the
2504 procedural completion of milestone inspections under s. 553.899.
2505 In performing its duties, the division has complete jurisdiction
2506 to investigate complaints and enforce compliance with respect to
2507 associations that are still under developer control or the
2508 control of a bulk assignee or bulk buyer pursuant to part VII of
2509 this chapter and complaints against developers, bulk assignees,
2510 or bulk buyers involving improper turnover or failure to
2511 turnover, pursuant to s. 718.301. However, after turnover has
2512 occurred, the division has jurisdiction to investigate
2513 complaints related only to:

2514 (a)1. Procedural aspects and records relating to financial
2515 issues, including annual financial reporting under s.
2516 718.111(13); assessments for common expenses, fines, and
2517 commingling of reserve and operating funds under s. 718.111(14);
2518 use of debit cards for unintended purposes under s. 718.111(15);
2519 the annual operating budget and the allocation of reserve funds
2520 under s. 718.112(2)(f); financial records under s.
2521 718.111(12)(a)11.; and any other record necessary to determine
2522 the revenues and expenses of the association.

2523 2. Elections, including election and voting requirements
2524 under s. 718.112(2)(b) and (d), recall of board members under s.
2525 718.112(2)(1), electronic voting under s. 718.128, and elections

2526 | that occur during an emergency under s. 718.1265(1)(a).
 2527 | ~~financial issues, elections, and~~
 2528 | 3. The maintenance of and unit owner access to association
 2529 | records under s. 718.111(12).
 2530 | 4. The procedural aspects of meetings, including unit
 2531 | owner meetings, quorums, voting requirements, proxies, board of
 2532 | administration meetings, and budget meetings under s.
 2533 | 718.112(2).
 2534 | 5. The disclosure of conflicts of interest under ss.
 2535 | 718.111(1)(a) and 718.3027, including limitations contained in
 2536 | s. 718.111(3)(f).
 2537 | 6. The removal of a board director or officer under ss.
 2538 | 718.111(1)(a) and (15) and 718.112(2)(p) and (q).~~and~~
 2539 | 7. The procedural completion of structural integrity
 2540 | reserve studies under s. 718.112(2)(g).
 2541 | 8. Any written inquiries by unit owners to the association
 2542 | relating to such matters, including written inquiries under s.
 2543 | 718.112(2)(a)2.
 2544 | (b)1.~~(a)1.~~ The division may make necessary public or
 2545 | private investigations within or outside this state to determine
 2546 | whether any person has violated this chapter or any rule or
 2547 | order hereunder, to aid in the enforcement of this chapter, or
 2548 | to aid in the adoption of rules or forms.
 2549 | 2. The division may submit any official written report,
 2550 | worksheet, or other related paper, or a duly certified copy

2551 | thereof, compiled, prepared, drafted, or otherwise made by and
2552 | duly authenticated by a financial examiner or analyst to be
2553 | admitted as competent evidence in any hearing in which the
2554 | financial examiner or analyst is available for cross-examination
2555 | and attests under oath that such documents were prepared as a
2556 | result of an examination or inspection conducted pursuant to
2557 | this chapter.

2558 | (c)~~(b)~~ The division may require or permit any person to
2559 | file a statement in writing, under oath or otherwise, as the
2560 | division determines, as to the facts and circumstances
2561 | concerning a matter to be investigated.

2562 | (d)~~(e)~~ For the purpose of any investigation under this
2563 | chapter, the division director or any officer or employee
2564 | designated by the division director may administer oaths or
2565 | affirmations, subpoena witnesses and compel their attendance,
2566 | take evidence, and require the production of any matter which is
2567 | relevant to the investigation, including the existence,
2568 | description, nature, custody, condition, and location of any
2569 | books, documents, or other tangible things and the identity and
2570 | location of persons having knowledge of relevant facts or any
2571 | other matter reasonably calculated to lead to the discovery of
2572 | material evidence. Upon the failure by a person to obey a
2573 | subpoena or to answer questions propounded by the investigating
2574 | officer and upon reasonable notice to all affected persons, the
2575 | division may apply to the circuit court for an order compelling

2576 compliance.

2577 (e)~~(d)~~ Notwithstanding any remedies available to unit
2578 owners and associations, if the division has reasonable cause to
2579 believe that a violation of any provision of this chapter or
2580 related rule has occurred, the division may institute
2581 enforcement proceedings in its own name against any developer,
2582 bulk assignee, bulk buyer, association, officer, or member of
2583 the board of administration, or its assignees or agents, as
2584 follows:

2585 1. The division may permit a person whose conduct or
2586 actions may be under investigation to waive formal proceedings
2587 and enter into a consent proceeding whereby orders, rules, or
2588 letters of censure or warning, whether formal or informal, may
2589 be entered against the person.

2590 2. The division may issue an order requiring the
2591 developer, bulk assignee, bulk buyer, association, developer-
2592 designated officer, or developer-designated member of the board
2593 of administration, developer-designated assignees or agents,
2594 bulk assignee-designated assignees or agents, bulk buyer-
2595 designated assignees or agents, community association manager,
2596 or community association management firm to cease and desist
2597 from the unlawful practice and take such affirmative action as
2598 in the judgment of the division carry out the purposes of this
2599 chapter. If the division finds that a developer, bulk assignee,
2600 bulk buyer, association, officer, or member of the board of

2601 administration, or its assignees or agents, is violating or is
2602 about to violate any provision of this chapter, any rule adopted
2603 or order issued by the division, or any written agreement
2604 entered into with the division, and presents an immediate danger
2605 to the public requiring an immediate final order, it may issue
2606 an emergency cease and desist order reciting with particularity
2607 the facts underlying such findings. The emergency cease and
2608 desist order is effective for 90 days. If the division begins
2609 nonemergency cease and desist proceedings, the emergency cease
2610 and desist order remains effective until the conclusion of the
2611 proceedings under ss. 120.569 and 120.57.

2612 3. If a developer, bulk assignee, or bulk buyer fails to
2613 pay any restitution determined by the division to be owed, plus
2614 any accrued interest at the highest rate permitted by law,
2615 within 30 days after expiration of any appellate time period of
2616 a final order requiring payment of restitution or the conclusion
2617 of any appeal thereof, whichever is later, the division must
2618 bring an action in circuit or county court on behalf of any
2619 association, class of unit owners, lessees, or purchasers for
2620 restitution, declaratory relief, injunctive relief, or any other
2621 available remedy. The division may also temporarily revoke its
2622 acceptance of the filing for the developer to which the
2623 restitution relates until payment of restitution is made.

2624 4. The division may petition the court for appointment of
2625 a receiver or conservator. If appointed, the receiver or

2626 conservator may take action to implement the court order to
2627 ensure the performance of the order and to remedy any breach
2628 thereof. In addition to all other means provided by law for the
2629 enforcement of an injunction or temporary restraining order, the
2630 circuit court may impound or sequester the property of a party
2631 defendant, including books, papers, documents, and related
2632 records, and allow the examination and use of the property by
2633 the division and a court-appointed receiver or conservator.

2634 5. The division may apply to the circuit court for an
2635 order of restitution whereby the defendant in an action brought
2636 under subparagraph 4. is ordered to make restitution of those
2637 sums shown by the division to have been obtained by the
2638 defendant in violation of this chapter. At the option of the
2639 court, such restitution is payable to the conservator or
2640 receiver appointed under subparagraph 4. or directly to the
2641 persons whose funds or assets were obtained in violation of this
2642 chapter.

2643 6. The division may impose a civil penalty against a
2644 developer, bulk assignee, or bulk buyer, or association, or its
2645 assignee or agent, for any violation of this chapter or related
2646 rule. The division may impose a civil penalty individually
2647 against an officer or board member who willfully and knowingly
2648 violates this chapter, an adopted rule, or a final order of the
2649 division; may order the removal of such individual as an officer
2650 or from the board of administration or as an officer of the

2651 association; and may prohibit such individual from serving as an
2652 officer or on the board of a community association for a period
2653 of time. The term "willfully and knowingly" means that the
2654 division informed the officer or board member that his or her
2655 action or intended action violates this chapter, a rule adopted
2656 under this chapter, or a final order of the division and that
2657 the officer or board member refused to comply with the
2658 requirements of this chapter, a rule adopted under this chapter,
2659 or a final order of the division. The division, before
2660 initiating formal agency action under chapter 120, must afford
2661 the officer or board member an opportunity to voluntarily
2662 comply, and an officer or board member who complies within 10
2663 days is not subject to a civil penalty. A penalty may be imposed
2664 on the basis of each day of continuing violation, but the
2665 penalty for any offense may not exceed \$5,000. The division
2666 shall adopt, by rule, penalty guidelines applicable to possible
2667 violations or to categories of violations of this chapter or
2668 rules adopted by the division. The guidelines must specify a
2669 meaningful range of civil penalties for each such violation of
2670 the statute and rules and must be based upon the harm caused by
2671 the violation, upon the repetition of the violation, and upon
2672 such other factors deemed relevant by the division. For example,
2673 the division may consider whether the violations were committed
2674 by a developer, bulk assignee, or bulk buyer, or owner-
2675 controlled association, the size of the association, and other

2676 factors. The guidelines must designate the possible mitigating
2677 or aggravating circumstances that justify a departure from the
2678 range of penalties provided by the rules. It is the legislative
2679 intent that minor violations be distinguished from those which
2680 endanger the health, safety, or welfare of the condominium
2681 residents or other persons and that such guidelines provide
2682 reasonable and meaningful notice to the public of likely
2683 penalties that may be imposed for proscribed conduct. This
2684 subsection does not limit the ability of the division to
2685 informally dispose of administrative actions or complaints by
2686 stipulation, agreed settlement, or consent order. All amounts
2687 collected shall be deposited with the Chief Financial Officer to
2688 the credit of the Division of Florida Condominiums, Timeshares,
2689 and Mobile Homes Trust Fund. If a developer, bulk assignee, or
2690 bulk buyer fails to pay the civil penalty and the amount deemed
2691 to be owed to the association, the division shall issue an order
2692 directing that such developer, bulk assignee, or bulk buyer
2693 cease and desist from further operation until such time as the
2694 civil penalty is paid or may pursue enforcement of the penalty
2695 in a court of competent jurisdiction. If an association fails to
2696 pay the civil penalty, the division shall pursue enforcement in
2697 a court of competent jurisdiction, and the order imposing the
2698 civil penalty or the cease and desist order is not effective
2699 until 20 days after the date of such order. Any action commenced
2700 by the division shall be brought in the county in which the

2701 | division has its executive offices or in the county in which
 2702 | ~~where~~ the violation occurred.

2703 | 7. If a unit owner presents the division with proof that
 2704 | the unit owner has requested access to official records in
 2705 | writing by certified mail, and that after 10 days the unit owner
 2706 | again made the same request for access to official records in
 2707 | writing by certified mail, and that more than 10 days has
 2708 | elapsed since the second request and the association has still
 2709 | failed or refused to provide access to official records as
 2710 | required by this chapter, the division shall issue a subpoena
 2711 | requiring production of the requested records at the location in
 2712 | which ~~where~~ the records are kept pursuant to s. 718.112. Upon
 2713 | receipt of the records, the division must provide to the unit
 2714 | owner who was denied access to such records the produced
 2715 | official records without charge.

2716 | 8. In addition to subparagraph 6., the division may seek
 2717 | the imposition of a civil penalty through the circuit court for
 2718 | any violation for which the division may issue a notice to show
 2719 | cause under paragraph (t) ~~(r)~~. The civil penalty shall be at
 2720 | least \$500 but no more than \$5,000 for each violation. The court
 2721 | may also award to the prevailing party court costs and
 2722 | reasonable attorney fees and, if the division prevails, may also
 2723 | award reasonable costs of investigation.

2724 | 9. The division may issue citations and promulgate rules
 2725 | to provide for citation bases and citation procedures in

2726 | accordance with this paragraph.

2727 | (f)~~(e)~~ The division may prepare and disseminate a
 2728 | prospectus and other information to assist prospective owners,
 2729 | purchasers, lessees, and developers of residential condominiums
 2730 | in assessing the rights, privileges, and duties pertaining
 2731 | thereto.

2732 | (g)~~(f)~~ The division may adopt rules to administer and
 2733 | enforce this chapter.

2734 | (h)~~(g)~~ The division shall establish procedures for
 2735 | providing notice to an association and the developer, bulk
 2736 | assignee, or bulk buyer during the period in which the
 2737 | developer, bulk assignee, or bulk buyer controls the association
 2738 | if the division is considering the issuance of a declaratory
 2739 | statement with respect to the declaration of condominium or any
 2740 | related document governing such condominium community.

2741 | (i)~~(h)~~ The division shall furnish each association that
 2742 | pays the fees required by paragraph (2)(a) a copy of this
 2743 | chapter, as amended, and the rules adopted thereto on an annual
 2744 | basis.

2745 | (j)~~(i)~~ The division shall annually provide each
 2746 | association with a summary of declaratory statements and formal
 2747 | legal opinions relating to the operations of condominiums which
 2748 | were rendered by the division during the previous year.

2749 | (k)~~(j)~~ The division shall provide training and educational
 2750 | programs for condominium association board members and unit

2751 owners. The training may, in the division's discretion, include
2752 web-based electronic media and live training and seminars in
2753 various locations throughout the state. The division may review
2754 and approve education and training programs for board members
2755 and unit owners offered by providers and shall maintain a
2756 current list of approved programs and providers and make such
2757 list available to board members and unit owners in a reasonable
2758 and cost-effective manner. The division shall provide the
2759 division-approved provider with the template certificate for
2760 issuance directly to the association's board of directors who
2761 have satisfactorily completed the requirements under s.
2762 718.112(2)(d). The division shall adopt rules to implement this
2763 section.

2764 (l)~~(k)~~ The division shall maintain a toll-free telephone
2765 number accessible to condominium unit owners.

2766 (m)~~(l)~~ The division shall develop a program to certify
2767 both volunteer and paid mediators to provide mediation of
2768 condominium disputes. The division shall provide, upon request,
2769 a list of such mediators to any association, unit owner, or
2770 other participant in alternative dispute resolution proceedings
2771 under s. 718.1255 requesting a copy of the list. The division
2772 shall include on the list of volunteer mediators only the names
2773 of persons who have received at least 20 hours of training in
2774 mediation techniques or who have mediated at least 20 disputes.
2775 In order to become initially certified by the division, paid

2776 mediators must be certified by the Supreme Court to mediate
2777 court cases in county or circuit courts. However, the division
2778 may adopt, by rule, additional factors for the certification of
2779 paid mediators, which must be related to experience, education,
2780 or background. Any person initially certified as a paid mediator
2781 by the division must, in order to continue to be certified,
2782 comply with the factors or requirements adopted by rule.

2783 (n)~~(m)~~ If a complaint is made, the division must conduct
2784 its inquiry with due regard for the interests of the affected
2785 parties. Within 30 days after receipt of a complaint, the
2786 division shall acknowledge the complaint in writing and notify
2787 the complainant whether the complaint is within the jurisdiction
2788 of the division and whether additional information is needed by
2789 the division from the complainant. The division shall conduct
2790 its investigation and, within 90 days after receipt of the
2791 original complaint or of timely requested additional
2792 information, take action upon the complaint. However, the
2793 failure to complete the investigation within 90 days does not
2794 prevent the division from continuing the investigation,
2795 accepting or considering evidence obtained or received after 90
2796 days, or taking administrative action if reasonable cause exists
2797 to believe that a violation of this chapter or a rule has
2798 occurred. If an investigation is not completed within the time
2799 limits established in this paragraph, the division shall, on a
2800 monthly basis, notify the complainant in writing of the status

2801 of the investigation. When reporting its action to the
2802 complainant, the division shall inform the complainant of any
2803 right to a hearing under ss. 120.569 and 120.57. The division
2804 may adopt rules regarding the submission of a complaint against
2805 an association.

2806 (o) ~~(n)~~ Condominium association directors, officers, and
2807 employees; condominium developers; bulk assignees, bulk buyers,
2808 and community association managers; and community association
2809 management firms have an ongoing duty to reasonably cooperate
2810 with the division in any investigation under this section. The
2811 division shall refer to local law enforcement authorities any
2812 person whom the division believes has altered, destroyed,
2813 concealed, or removed any record, document, or thing required to
2814 be kept or maintained by this chapter with the purpose to impair
2815 its verity or availability in the department's investigation.
2816 The division shall refer to local law enforcement authorities
2817 any person whom the division believes has engaged in fraud,
2818 theft, embezzlement, or other criminal activity or when the
2819 division has cause to believe that fraud, theft, embezzlement,
2820 or other criminal activity has occurred.

2821 (p) The division director or any officer or employee of
2822 the division and the condominium ombudsman or any employee of
2823 the Office of the Condominium Ombudsman may attend and observe
2824 any meeting of the board of administration or any unit owner
2825 meeting, including any meeting of a subcommittee or special

2826 committee, which is open to members of the association for the
 2827 purpose of performing the duties of the division or the Office
 2828 of the Condominium Ombudsman under this chapter.

2829 (q)~~(e)~~ The division may:

- 2830 1. Contract with agencies in this state or other
- 2831 jurisdictions to perform investigative functions; or
- 2832 2. Accept grants-in-aid from any source.

2833 (r)~~(p)~~ The division shall cooperate with similar agencies
 2834 in other jurisdictions to establish uniform filing procedures
 2835 and forms, public offering statements, advertising standards,
 2836 and rules and common administrative practices.

2837 (s)~~(q)~~ The division shall consider notice to a developer,
 2838 bulk assignee, or bulk buyer to be complete when it is delivered
 2839 to the address of the developer, bulk assignee, or bulk buyer
 2840 currently on file with the division.

2841 (t)~~(r)~~ In addition to its enforcement authority, the
 2842 division may issue a notice to show cause, which must provide
 2843 for a hearing, upon written request, in accordance with chapter
 2844 120.

2845 (u) If the division receives a complaint regarding access
 2846 to official records on the association's website or through an
 2847 application that can be downloaded on a mobile device under s.
 2848 718.111(12)(g), the division may request access to the
 2849 association's website or application and investigate. The
 2850 division may adopt rules to carry out this paragraph.

2851 (v)~~(s)~~ The division shall submit to the Governor, the
2852 President of the Senate, the Speaker of the House of
2853 Representatives, and the chairs of the legislative
2854 appropriations committees an annual report that includes, but
2855 need not be limited to, the number of training programs provided
2856 for condominium association board members and unit owners, the
2857 number of complaints received by type, the number and percent of
2858 complaints acknowledged in writing within 30 days and the number
2859 and percent of investigations acted upon within 90 days in
2860 accordance with paragraph (n) ~~(m)~~, and the number of
2861 investigations exceeding the 90-day requirement. The annual
2862 report must also include an evaluation of the division's core
2863 business processes and make recommendations for improvements,
2864 including statutory changes. After December 31, 2024, the
2865 division must include a list of the associations that have
2866 completed the structural integrity reserve study required under
2867 s. 718.112(2)(g). The report shall be submitted by September 30
2868 following the end of the fiscal year.

2869 (2) (a) Each condominium association that ~~which~~ operates
2870 more than two units shall pay to the division an annual fee in
2871 the amount of \$4 for each residential unit in condominiums
2872 operated by the association. If the fee is not paid by March 1,
2873 the association shall be assessed a penalty of 10 percent of the
2874 amount due, and the association will not have standing to
2875 maintain or defend any action in the courts of this state until

2876 the amount due, plus any penalty, is paid.

2877 (b) All fees shall be deposited in the Division of Florida
2878 Condominiums, Timeshares, and Mobile Homes Trust Fund as
2879 provided by law.

2880 (c) On the certification form provided by the division,
2881 the directors of the association shall certify that each
2882 director of the association has completed the written
2883 certification and educational certificate requirements in s.
2884 718.112(2)(d)4.b. This certification requirement does not apply
2885 to the directors of an association governing a timeshare
2886 condominium.

2887 Section 22. Subsection (2) of section 718.5011, Florida
2888 Statutes, is amended to read:

2889 718.5011 Ombudsman; appointment; administration.—

2890 (2) The secretary of the Department of Business and
2891 Professional Regulation ~~Governor~~ shall appoint the ombudsman.
2892 The ombudsman ~~must be an attorney admitted to practice before~~
2893 ~~the Florida Supreme Court and~~ shall serve at the pleasure of the
2894 Governor. A vacancy in the office shall be filled in the same
2895 manner as the original appointment. An officer or full-time
2896 employee of the ombudsman's office may not actively engage in
2897 any other business or profession that directly or indirectly
2898 relates to or conflicts with his or her work in the ombudsman's
2899 office; serve as the representative of any political party,
2900 executive committee, or other governing body of a political

2901 party; serve as an executive, officer, or employee of a
 2902 political party; receive remuneration for activities on behalf
 2903 of any candidate for public office; or engage in soliciting
 2904 votes or other activities on behalf of a candidate for public
 2905 office. The ombudsman or any employee of his or her office may
 2906 not become a candidate for election to public office unless he
 2907 or she first resigns from his or her office or employment.

2908 Section 23. Effective October 1, 2024, paragraph (a) of
 2909 subsection (2) and subsection (3) of section 718.503, Florida
 2910 Statutes, are amended to read:

2911 718.503 Developer disclosure prior to sale; nondeveloper
 2912 unit owner disclosure prior to sale; voidability.—

2913 (2) NONDEVELOPER DISCLOSURE.—

2914 (a) Each unit owner who is not a developer as defined by
 2915 this chapter must comply with this subsection before the sale of
 2916 his or her unit. Each prospective purchaser who has entered into
 2917 a contract for the purchase of a condominium unit is entitled,
 2918 at the seller's expense, to a current copy of all of the
 2919 following:

- 2920 1. The declaration of condominium.
- 2921 2. Articles of incorporation of the association.
- 2922 3. Bylaws and rules of the association.
- 2923 4. An annual financial statement and annual budget of the
 2924 condominium association ~~Financial information required by s.~~
 2925 ~~718.111.~~

2926 5. A copy of the inspector-prepared summary of the
 2927 milestone inspection report as described in s. 553.899, if
 2928 applicable.

2929 6. The association's most recent structural integrity
 2930 reserve study or a statement that the association has not
 2931 completed a structural integrity reserve study.

2932 7. A copy of the inspection report described in s.
 2933 718.301(4)(p) and (q) for a turnover inspection performed on or
 2934 after July 1, 2023.

2935 8. The document entitled "Frequently Asked Questions and
 2936 Answers" required by s. 718.504.

2937 (3) OTHER DISCLOSURES ~~DISCLOSURE~~.—

2938 (a) If residential condominium parcels are offered for
 2939 sale or lease prior to completion of construction of the units
 2940 and of improvements to the common elements, or prior to
 2941 completion of remodeling of previously occupied buildings, the
 2942 developer must ~~shall~~ make available to each prospective
 2943 purchaser or lessee, for his or her inspection at a place
 2944 convenient to the site, a copy of the complete plans and
 2945 specifications for the construction or remodeling of the unit
 2946 offered to him or her and of the improvements to the common
 2947 elements appurtenant to the unit.

2948 (b) Sales brochures, if any, must ~~shall~~ be provided to
 2949 each purchaser, and the following caveat in conspicuous type
 2950 must ~~shall~~ be placed on the inside front cover or on the first

2951 page containing text material of the sales brochure, or
2952 otherwise conspicuously displayed: "ORAL REPRESENTATIONS CANNOT
2953 BE RELIED UPON AS CORRECTLY STATING REPRESENTATIONS OF THE
2954 DEVELOPER. FOR CORRECT REPRESENTATIONS, MAKE REFERENCE TO THIS
2955 BROCHURE AND TO THE DOCUMENTS REQUIRED BY SECTION 718.503,
2956 FLORIDA STATUTES, TO BE FURNISHED BY A DEVELOPER TO A BUYER OR
2957 LESSEE." If timeshare estates have been or may be created with
2958 respect to any unit in the condominium, the sales brochure must
2959 ~~shall~~ contain the following statement in conspicuous type:
2960 "UNITS IN THIS CONDOMINIUM ARE SUBJECT TO TIMESHARE ESTATES."

2961 (c) If a unit is located within a condominium that is
2962 created within a portion of a building or within a multiple
2963 parcel building, the developer or nondeveloper unit owner must
2964 provide the disclosures required by s. 718.407(5).

2965 Section 24. Effective October 1, 2024, section 718.504,
2966 Florida Statutes, is amended to read:

2967 718.504 Prospectus or offering circular.—Every developer
2968 of a residential condominium which contains more than 20
2969 residential units, or which is part of a group of residential
2970 condominiums which will be served by property to be used in
2971 common by unit owners of more than 20 residential units, shall
2972 prepare a prospectus or offering circular and file it with the
2973 Division of Florida Condominiums, Timeshares, and Mobile Homes
2974 prior to entering into an enforceable contract of purchase and
2975 sale of any unit or lease of a unit for more than 5 years and

2976 shall furnish a copy of the prospectus or offering circular to
 2977 each buyer. In addition to the prospectus or offering circular,
 2978 each buyer shall be furnished a separate page entitled
 2979 "Frequently Asked Questions and Answers," which shall be in
 2980 accordance with a format approved by the division and a copy of
 2981 the financial information required by s. 718.111. This page
 2982 shall, in readable language, inform prospective purchasers
 2983 regarding their voting rights and unit use restrictions,
 2984 including restrictions on the leasing of a unit; shall indicate
 2985 whether and in what amount the unit owners or the association is
 2986 obligated to pay rent or land use fees for recreational or other
 2987 commonly used facilities; shall contain a statement identifying
 2988 that amount of assessment which, pursuant to the budget, would
 2989 be levied upon each unit type, exclusive of any special
 2990 assessments, and which shall further identify the basis upon
 2991 which assessments are levied, whether monthly, quarterly, or
 2992 otherwise; shall state and identify any court cases in which the
 2993 association is currently a party of record in which the
 2994 association may face liability in excess of \$100,000; shall
 2995 state whether the condominium is created within a portion of a
 2996 building or within a multiple parcel building; and which shall
 2997 further state whether membership in a recreational facilities
 2998 association is mandatory, and if so, shall identify the fees
 2999 currently charged per unit type. The division shall by rule
 3000 require such other disclosure as in its judgment will assist

3001 prospective purchasers. The prospectus or offering circular may
 3002 include more than one condominium, although not all such units
 3003 are being offered for sale as of the date of the prospectus or
 3004 offering circular. The prospectus or offering circular must
 3005 contain the following information:

3006 (1) The front cover or the first page must contain only:

3007 (a) The name of the condominium.

3008 (b) The following statements in conspicuous type:

3009 1. THIS PROSPECTUS (OFFERING CIRCULAR) CONTAINS IMPORTANT
 3010 MATTERS TO BE CONSIDERED IN ACQUIRING A CONDOMINIUM UNIT.

3011 2. THE STATEMENTS CONTAINED HEREIN ARE ONLY SUMMARY IN
 3012 NATURE. A PROSPECTIVE PURCHASER SHOULD REFER TO ALL REFERENCES,
 3013 ALL EXHIBITS HERETO, THE CONTRACT DOCUMENTS, AND SALES
 3014 MATERIALS.

3015 3. ORAL REPRESENTATIONS CANNOT BE RELIED UPON AS CORRECTLY
 3016 STATING THE REPRESENTATIONS OF THE DEVELOPER. REFER TO THIS
 3017 PROSPECTUS (OFFERING CIRCULAR) AND ITS EXHIBITS FOR CORRECT
 3018 REPRESENTATIONS.

3019 (2) Summary: The next page must contain all statements
 3020 required to be in conspicuous type in the prospectus or offering
 3021 circular.

3022 (3) A separate index of the contents and exhibits of the
 3023 prospectus.

3024 (4) Beginning on the first page of the text (not including
 3025 the summary and index), a description of the condominium,

3026 including, but not limited to, the following information:

3027 (a) Its name and location.

3028 (b) A description of the condominium property, including,

3029 without limitation:

3030 1. The number of buildings, the number of units in each

3031 building, the number of bathrooms and bedrooms in each unit, and

3032 the total number of units, if the condominium is not a phase

3033 condominium, or the maximum number of buildings that may be

3034 contained within the condominium, the minimum and maximum

3035 numbers of units in each building, the minimum and maximum

3036 numbers of bathrooms and bedrooms that may be contained in each

3037 unit, and the maximum number of units that may be contained

3038 within the condominium, if the condominium is a phase

3039 condominium.

3040 2. The page in the condominium documents where a copy of

3041 the plot plan and survey of the condominium is located.

3042 3. The estimated latest date of completion of

3043 constructing, finishing, and equipping. In lieu of a date, the

3044 description shall include a statement that the estimated date of

3045 completion of the condominium is in the purchase agreement and a

3046 reference to the article or paragraph containing that

3047 information.

3048 (c) The maximum number of units that will use facilities

3049 in common with the condominium. If the maximum number of units

3050 will vary, a description of the basis for variation and the

3051 minimum amount of dollars per unit to be spent for additional
3052 recreational facilities or enlargement of such facilities. If
3053 the addition or enlargement of facilities will result in a
3054 material increase of a unit owner's maintenance expense or
3055 rental expense, if any, the maximum increase and limitations
3056 thereon shall be stated.

3057 (5)(a) A statement in conspicuous type describing whether
3058 the condominium is created and being sold as fee simple
3059 interests or as leasehold interests. If the condominium is
3060 created or being sold on a leasehold, the location of the lease
3061 in the disclosure materials shall be stated.

3062 (b) If timeshare estates are or may be created with
3063 respect to any unit in the condominium, a statement in
3064 conspicuous type stating that timeshare estates are created and
3065 being sold in units in the condominium.

3066 (6) A description of the recreational and other commonly
3067 used facilities that will be used only by unit owners of the
3068 condominium, including, but not limited to, the following:

3069 (a) Each room and its intended purposes, location,
3070 approximate floor area, and capacity in numbers of people.

3071 (b) Each swimming pool, as to its general location,
3072 approximate size and depths, approximate deck size and capacity,
3073 and whether heated.

3074 (c) Additional facilities, as to the number of each
3075 facility, its approximate location, approximate size, and

3076 approximate capacity.

3077 (d) A general description of the items of personal
 3078 property and the approximate number of each item of personal
 3079 property that the developer is committing to furnish for each
 3080 room or other facility or, in the alternative, a representation
 3081 as to the minimum amount of expenditure that will be made to
 3082 purchase the personal property for the facility.

3083 (e) The estimated date when each room or other facility
 3084 will be available for use by the unit owners.

3085 (f)1. An identification of each room or other facility to
 3086 be used by unit owners that will not be owned by the unit owners
 3087 or the association;

3088 2. A reference to the location in the disclosure materials
 3089 of the lease or other agreements providing for the use of those
 3090 facilities; and

3091 3. A description of the terms of the lease or other
 3092 agreements, including the length of the term; the rent payable,
 3093 directly or indirectly, by each unit owner, and the total rent
 3094 payable to the lessor, stated in monthly and annual amounts for
 3095 the entire term of the lease; and a description of any option to
 3096 purchase the property leased under any such lease, including the
 3097 time the option may be exercised, the purchase price or how it
 3098 is to be determined, the manner of payment, and whether the
 3099 option may be exercised for a unit owner's share or only as to
 3100 the entire leased property.

3101 (g) A statement as to whether the developer may provide
3102 additional facilities not described above; their general
3103 locations and types; improvements or changes that may be made;
3104 the approximate dollar amount to be expended; and the maximum
3105 additional common expense or cost to the individual unit owners
3106 that may be charged during the first annual period of operation
3107 of the modified or added facilities.

3108
3109 Descriptions as to locations, areas, capacities, numbers,
3110 volumes, or sizes may be stated as approximations or minimums.

3111 (7) A description of the recreational and other facilities
3112 that will be used in common with other condominiums, community
3113 associations, or planned developments which require the payment
3114 of the maintenance and expenses of such facilities, directly or
3115 indirectly, by the unit owners. The description shall include,
3116 but not be limited to, the following:

3117 (a) Each building and facility committed to be built and a
3118 summary description of the structural integrity of each building
3119 for which reserves are required pursuant to s. 718.112(2)(g).

3120 (b) Facilities not committed to be built except under
3121 certain conditions, and a statement of those conditions or
3122 contingencies.

3123 (c) As to each facility committed to be built, or which
3124 will be committed to be built upon the happening of one of the
3125 conditions in paragraph (b), a statement of whether it will be

3126 | owned by the unit owners having the use thereof or by an
 3127 | association or other entity which will be controlled by them, or
 3128 | others, and the location in the exhibits of the lease or other
 3129 | document providing for use of those facilities.

3130 | (d) The year in which each facility will be available for
 3131 | use by the unit owners or, in the alternative, the maximum
 3132 | number of unit owners in the project at the time each of all of
 3133 | the facilities is committed to be completed.

3134 | (e) A general description of the items of personal
 3135 | property, and the approximate number of each item of personal
 3136 | property, that the developer is committing to furnish for each
 3137 | room or other facility or, in the alternative, a representation
 3138 | as to the minimum amount of expenditure that will be made to
 3139 | purchase the personal property for the facility.

3140 | (f) If there are leases, a description thereof, including
 3141 | the length of the term, the rent payable, and a description of
 3142 | any option to purchase.

3143 |
 3144 | Descriptions shall include location, areas, capacities, numbers,
 3145 | volumes, or sizes and may be stated as approximations or
 3146 | minimums.

3147 | (8) Recreation lease or associated club membership:

3148 | (a) If any recreational facilities or other facilities
 3149 | offered by the developer and available to, or to be used by,
 3150 | unit owners are to be leased or have club membership associated,

3151 the following statement in conspicuous type shall be included:
 3152 "THERE IS A RECREATIONAL FACILITIES LEASE ASSOCIATED WITH THIS
 3153 CONDOMINIUM; or, THERE IS A CLUB MEMBERSHIP ASSOCIATED WITH THIS
 3154 CONDOMINIUM." There shall be a reference to the location in the
 3155 disclosure materials where the recreation lease or club
 3156 membership is described in detail.

3157 (b) If it is mandatory that unit owners pay a fee, rent,
 3158 dues, or other charges under a recreational facilities lease or
 3159 club membership for the use of facilities, there shall be in
 3160 conspicuous type the applicable statement:

3161 1. MEMBERSHIP IN THE RECREATIONAL FACILITIES CLUB IS
 3162 MANDATORY FOR UNIT OWNERS; or

3163 2. UNIT OWNERS ARE REQUIRED, AS A CONDITION OF OWNERSHIP,
 3164 TO BE LESSEES UNDER THE RECREATIONAL FACILITIES LEASE; or

3165 3. UNIT OWNERS ARE REQUIRED TO PAY THEIR SHARE OF THE
 3166 COSTS AND EXPENSES OF MAINTENANCE, MANAGEMENT, UPKEEP,
 3167 REPLACEMENT, RENT, AND FEES UNDER THE RECREATIONAL FACILITIES
 3168 LEASE (OR THE OTHER INSTRUMENTS PROVIDING THE FACILITIES); or

3169 4. A similar statement of the nature of the organization
 3170 or the manner in which the use rights are created, and that unit
 3171 owners are required to pay.

3172
 3173 Immediately following the applicable statement, the location in
 3174 the disclosure materials where the development is described in
 3175 detail shall be stated.

3176 (c) If the developer, or any other person other than the
 3177 unit owners and other persons having use rights in the
 3178 facilities, reserves, or is entitled to receive, any rent, fee,
 3179 or other payment for the use of the facilities, then there shall
 3180 be the following statement in conspicuous type: "THE UNIT OWNERS
 3181 OR THE ASSOCIATION(S) MUST PAY RENT OR LAND USE FEES FOR
 3182 RECREATIONAL OR OTHER COMMONLY USED FACILITIES." Immediately
 3183 following this statement, the location in the disclosure
 3184 materials where the rent or land use fees are described in
 3185 detail shall be stated.

3186 (d) If, in any recreation format, whether leasehold, club,
 3187 or other, any person other than the association has the right to
 3188 a lien on the units to secure the payment of assessments, rent,
 3189 or other exactions, there shall appear a statement in
 3190 conspicuous type in substantially the following form:

3191 1. THERE IS A LIEN OR LIEN RIGHT AGAINST EACH
 3192 UNIT TO SECURE THE PAYMENT OF RENT AND OTHER EXACTIONS
 3193 UNDER THE RECREATION LEASE. THE UNIT OWNER'S FAILURE
 3194 TO MAKE THESE PAYMENTS MAY RESULT IN FORECLOSURE OF
 3195 THE LIEN; or

3196 2. THERE IS A LIEN OR LIEN RIGHT AGAINST EACH
 3197 UNIT TO SECURE THE PAYMENT OF ASSESSMENTS OR OTHER
 3198 EXACTIONS COMING DUE FOR THE USE, MAINTENANCE, UPKEEP,
 3199 OR REPAIR OF THE RECREATIONAL OR COMMONLY USED
 3200 FACILITIES. THE UNIT OWNER'S FAILURE TO MAKE THESE

3201 PAYMENTS MAY RESULT IN FORECLOSURE OF THE LIEN.

3202

3203 Immediately following the applicable statement, the location in
 3204 the disclosure materials where the lien or lien right is
 3205 described in detail shall be stated.

3206 (9) If the developer or any other person has the right to
 3207 increase or add to the recreational facilities at any time after
 3208 the establishment of the condominium whose unit owners have use
 3209 rights therein, without the consent of the unit owners or
 3210 associations being required, there shall appear a statement in
 3211 conspicuous type in substantially the following form:

3212 "RECREATIONAL FACILITIES MAY BE EXPANDED OR ADDED WITHOUT
 3213 CONSENT OF UNIT OWNERS OR THE ASSOCIATION(S)." Immediately
 3214 following this statement, the location in the disclosure
 3215 materials where such reserved rights are described shall be
 3216 stated.

3217 (10) A statement of whether the developer's plan includes
 3218 a program of leasing units rather than selling them, or leasing
 3219 units and selling them subject to such leases. If so, there
 3220 shall be a description of the plan, including the number and
 3221 identification of the units and the provisions and term of the
 3222 proposed leases, and a statement in boldfaced type that: "THE
 3223 UNITS MAY BE TRANSFERRED SUBJECT TO A LEASE."

3224 (11) The arrangements for management of the association
 3225 and maintenance and operation of the condominium property and of

3226 other property that will serve the unit owners of the
3227 condominium property, and a description of the management
3228 contract and all other contracts for these purposes having a
3229 term in excess of 1 year, including the following:

- 3230 (a) The names of contracting parties.
- 3231 (b) The term of the contract.
- 3232 (c) The nature of the services included.
- 3233 (d) The compensation, stated on a monthly and annual
3234 basis, and provisions for increases in the compensation.
- 3235 (e) A reference to the volumes and pages of the
3236 condominium documents and of the exhibits containing copies of
3237 such contracts.

3238

3239 Copies of all described contracts shall be attached as exhibits.
3240 If there is a contract for the management of the condominium
3241 property, then a statement in conspicuous type in substantially
3242 the following form shall appear, identifying the proposed or
3243 existing contract manager: "THERE IS (IS TO BE) A CONTRACT FOR
3244 THE MANAGEMENT OF THE CONDOMINIUM PROPERTY WITH (NAME OF THE
3245 CONTRACT MANAGER)." Immediately following this statement, the
3246 location in the disclosure materials of the contract for
3247 management of the condominium property shall be stated.

3248 (12) If the developer or any other person or persons other
3249 than the unit owners has the right to retain control of the
3250 board of administration of the association for a period of time

3251 which can exceed 1 year after the closing of the sale of a
3252 majority of the units in that condominium to persons other than
3253 successors or alternate developers, then a statement in
3254 conspicuous type in substantially the following form shall be
3255 included: "THE DEVELOPER (OR OTHER PERSON) HAS THE RIGHT TO
3256 RETAIN CONTROL OF THE ASSOCIATION AFTER A MAJORITY OF THE UNITS
3257 HAVE BEEN SOLD." Immediately following this statement, the
3258 location in the disclosure materials where this right to control
3259 is described in detail shall be stated.

3260 (13) If there are any restrictions upon the sale,
3261 transfer, conveyance, or leasing of a unit, then a statement in
3262 conspicuous type in substantially the following form shall be
3263 included: "THE SALE, LEASE, OR TRANSFER OF UNITS IS RESTRICTED
3264 OR CONTROLLED." Immediately following this statement, the
3265 location in the disclosure materials where the restriction,
3266 limitation, or control on the sale, lease, or transfer of units
3267 is described in detail shall be stated.

3268 (14) If the condominium is part of a phase project, the
3269 following information shall be stated:

3270 (a) A statement in conspicuous type in substantially the
3271 following form: "THIS IS A PHASE CONDOMINIUM. ADDITIONAL LAND
3272 AND UNITS MAY BE ADDED TO THIS CONDOMINIUM." Immediately
3273 following this statement, the location in the disclosure
3274 materials where the phasing is described shall be stated.

3275 (b) A summary of the provisions of the declaration which

3276 provide for the phasing.

3277 (c) A statement as to whether or not residential buildings
3278 and units which are added to the condominium may be
3279 substantially different from the residential buildings and units
3280 originally in the condominium. If the added residential
3281 buildings and units may be substantially different, there shall
3282 be a general description of the extent to which such added
3283 residential buildings and units may differ, and a statement in
3284 conspicuous type in substantially the following form shall be
3285 included: "BUILDINGS AND UNITS WHICH ARE ADDED TO THE
3286 CONDOMINIUM MAY BE SUBSTANTIALLY DIFFERENT FROM THE OTHER
3287 BUILDINGS AND UNITS IN THE CONDOMINIUM." Immediately following
3288 this statement, the location in the disclosure materials where
3289 the extent to which added residential buildings and units may
3290 substantially differ is described shall be stated.

3291 (d) A statement of the maximum number of buildings
3292 containing units, the maximum and minimum numbers of units in
3293 each building, the maximum number of units, and the minimum and
3294 maximum square footage of the units that may be contained within
3295 each parcel of land which may be added to the condominium.

3296 (15) If a condominium created on or after July 1, 2000, is
3297 or may become part of a multicondominium, the following
3298 information must be provided:

3299 (a) A statement in conspicuous type in substantially the
3300 following form: "THIS CONDOMINIUM IS (MAY BE) PART OF A

3301 MULTICONDOMINIUM DEVELOPMENT IN WHICH OTHER CONDOMINIUMS WILL
 3302 (MAY) BE OPERATED BY THE SAME ASSOCIATION." Immediately
 3303 following this statement, the location in the prospectus or
 3304 offering circular and its exhibits where the multicondominium
 3305 aspects of the offering are described must be stated.

3306 (b) A summary of the provisions in the declaration,
 3307 articles of incorporation, and bylaws which establish and
 3308 provide for the operation of the multicondominium, including a
 3309 statement as to whether unit owners in the condominium will have
 3310 the right to use recreational or other facilities located or
 3311 planned to be located in other condominiums operated by the same
 3312 association, and the manner of sharing the common expenses
 3313 related to such facilities.

3314 (c) A statement of the minimum and maximum number of
 3315 condominiums, and the minimum and maximum number of units in
 3316 each of those condominiums, which will or may be operated by the
 3317 association, and the latest date by which the exact number will
 3318 be finally determined.

3319 (d) A statement as to whether any of the condominiums in
 3320 the multicondominium may include units intended to be used for
 3321 nonresidential purposes and the purpose or purposes permitted
 3322 for such use.

3323 (e) A general description of the location and approximate
 3324 acreage of any land on which any additional condominiums to be
 3325 operated by the association may be located.

3326 (16) If the condominium is created by conversion of
3327 existing improvements, the following information shall be
3328 stated:

3329 (a) The information required by s. 718.616.

3330 (b) A caveat that there are no express warranties unless
3331 they are stated in writing by the developer.

3332 (17) A summary of the restrictions, if any, to be imposed
3333 on units concerning the use of any of the condominium property,
3334 including statements as to whether there are restrictions upon
3335 children and pets, and reference to the volumes and pages of the
3336 condominium documents where such restrictions are found, or if
3337 such restrictions are contained elsewhere, then a copy of the
3338 documents containing the restrictions shall be attached as an
3339 exhibit.

3340 (18) If there is any land that is offered by the developer
3341 for use by the unit owners and that is neither owned by them nor
3342 leased to them, the association, or any entity controlled by
3343 unit owners and other persons having the use rights to such
3344 land, a statement shall be made as to how such land will serve
3345 the condominium. If any part of such land will serve the
3346 condominium, the statement shall describe the land and the
3347 nature and term of service, and the declaration or other
3348 instrument creating such servitude shall be included as an
3349 exhibit.

3350 (19) The manner in which utility and other services,

3351 including, but not limited to, sewage and waste disposal, water
3352 supply, and storm drainage, will be provided and the person or
3353 entity furnishing them.

3354 (20) An explanation of the manner in which the
3355 apportionment of common expenses and ownership of the common
3356 elements has been determined.

3357 (21) An estimated operating budget for the condominium and
3358 the association, and a schedule of the unit owner's expenses
3359 shall be attached as an exhibit and shall contain the following
3360 information:

3361 (a) The estimated monthly and annual expenses of the
3362 condominium and the association that are collected from unit
3363 owners by assessments.

3364 (b) The estimated monthly and annual expenses of each unit
3365 owner for a unit, other than common expenses paid by all unit
3366 owners, payable by the unit owner to persons or entities other
3367 than the association, as well as to the association, including
3368 fees assessed pursuant to s. 718.113(1) for maintenance of
3369 limited common elements where such costs are shared only by
3370 those entitled to use the limited common element, and the total
3371 estimated monthly and annual expense. There may be excluded from
3372 this estimate expenses which are not provided for or
3373 contemplated by the condominium documents, including, but not
3374 limited to, the costs of private telephone; maintenance of the
3375 interior of condominium units, which is not the obligation of

3376 | the association; maid or janitorial services privately
 3377 | contracted for by the unit owners; utility bills billed directly
 3378 | to each unit owner for utility services to his or her unit;
 3379 | insurance premiums other than those incurred for policies
 3380 | obtained by the condominium; and similar personal expenses of
 3381 | the unit owner. A unit owner's estimated payments for
 3382 | assessments shall also be stated in the estimated amounts for
 3383 | the times when they will be due.

3384 | (c) The estimated items of expenses of the condominium and
 3385 | the association, except as excluded under paragraph (b),
 3386 | including, but not limited to, the following items, which shall
 3387 | be stated as an association expense collectible by assessments
 3388 | or as unit owners' expenses payable to persons other than the
 3389 | association:

- 3390 | 1. Expenses for the association and condominium:
 3391 | a. Administration of the association.
 3392 | b. Management fees.
 3393 | c. Maintenance.
 3394 | d. Rent for recreational and other commonly used
 3395 | facilities.
 3396 | e. Taxes upon association property.
 3397 | f. Taxes upon leased areas.
 3398 | g. Insurance.
 3399 | h. Security provisions.
 3400 | i. Other expenses.

3401 j. Operating capital.

3402 k. Reserves for all applicable items referenced in s.

3403 718.112 (2) (g) .

3404 1. Fees payable to the division.

3405 2. Expenses for a unit owner:

3406 a. Rent for the unit, if subject to a lease.

3407 b. Rent payable by the unit owner directly to the lessor

3408 or agent under any recreational lease or lease for the use of

3409 commonly used facilities, which use and payment is a mandatory

3410 condition of ownership and is not included in the common expense

3411 or assessments for common maintenance paid by the unit owners to

3412 the association.

3413 (d) The following statement in conspicuous type:

3414

3415 THE BUDGET CONTAINED IN THIS OFFERING CIRCULAR HAS

3416 BEEN PREPARED IN ACCORDANCE WITH THE CONDOMINIUM ACT

3417 AND IS A GOOD FAITH ESTIMATE ONLY AND REPRESENTS AN

3418 APPROXIMATION OF FUTURE EXPENSES BASED ON FACTS AND

3419 CIRCUMSTANCES EXISTING AT THE TIME OF ITS PREPARATION.

3420 ACTUAL COSTS OF SUCH ITEMS MAY EXCEED THE ESTIMATED

3421 COSTS. SUCH CHANGES IN COST DO NOT CONSTITUTE MATERIAL

3422 ADVERSE CHANGES IN THE OFFERING.

3423

3424 (e) Each budget for an association prepared by a developer

3425 consistent with this subsection shall be prepared in good faith

3426 and shall reflect accurate estimated amounts for the required
3427 items in paragraph (c) at the time of the filing of the offering
3428 circular with the division, and subsequent increased amounts of
3429 any item included in the association's estimated budget that are
3430 beyond the control of the developer shall not be considered an
3431 amendment that would give rise to rescission rights set forth in
3432 s. 718.503(1)(a) or (b), nor shall such increases modify, void,
3433 or otherwise affect any guarantee of the developer contained in
3434 the offering circular or any purchase contract. It is the intent
3435 of this paragraph to clarify existing law.

3436 (f) The estimated amounts shall be stated for a period of
3437 at least 12 months and may distinguish between the period prior
3438 to the time unit owners other than the developer elect a
3439 majority of the board of administration and the period after
3440 that date.

3441 (22) A schedule of estimated closing expenses to be paid
3442 by a buyer or lessee of a unit and a statement of whether title
3443 opinion or title insurance policy is available to the buyer and,
3444 if so, at whose expense.

3445 (23) The identity of the developer and the chief operating
3446 officer or principal directing the creation and sale of the
3447 condominium and a statement of its and his or her experience in
3448 this field.

3449 (24) Copies of the following, to the extent they are
3450 applicable, shall be included as exhibits:

- 3451 (a) The declaration of condominium, or the proposed
 3452 declaration if the declaration has not been recorded.
- 3453 (b) The articles of incorporation creating the
 3454 association.
- 3455 (c) The bylaws of the association.
- 3456 (d) The ground lease or other underlying lease of the
 3457 condominium.
- 3458 (e) The management agreement and all maintenance and other
 3459 contracts for management of the association and operation of the
 3460 condominium and facilities used by the unit owners having a
 3461 service term in excess of 1 year.
- 3462 (f) The estimated operating budget for the condominium,
 3463 the required schedule of unit owners' expenses, and the
 3464 association's most recent structural integrity reserve study or
 3465 a statement that the association has not completed a structural
 3466 integrity reserve study.
- 3467 (g) A copy of the floor plan of the unit and the plot plan
 3468 showing the location of the residential buildings and the
 3469 recreation and other common areas.
- 3470 (h) The lease of recreational and other facilities that
 3471 will be used only by unit owners of the subject condominium.
- 3472 (i) The lease of facilities used by owners and others.
- 3473 (j) The form of unit lease, if the offer is of a
 3474 leasehold.
- 3475 (k) A declaration of servitude of properties serving the

3476 condominium but not owned by unit owners or leased to them or
 3477 the association.

3478 (l) The statement of condition of the existing building or
 3479 buildings, if the offering is of units in an operation being
 3480 converted to condominium ownership.

3481 (m) The statement of inspection for termite damage and
 3482 treatment of the existing improvements, if the condominium is a
 3483 conversion.

3484 (n) The form of agreement for sale or lease of units.

3485 (o) A copy of the agreement for escrow of payments made to
 3486 the developer prior to closing.

3487 (p) A copy of the documents containing any restrictions on
 3488 use of the property required by subsection (17).

3489 (q) A copy of the inspector-prepared summary of the
 3490 milestone inspection report as described in ss. 553.899 and
 3491 718.301(4)(p), as applicable.

3492 (25) Any prospectus or offering circular complying, prior
 3493 to the effective date of this act, with the provisions of former
 3494 ss. 711.69 and 711.802 may continue to be used without amendment
 3495 or may be amended to comply with this chapter.

3496 (26) A brief narrative description of the location and
 3497 effect of all existing and intended easements located or to be
 3498 located on the condominium property other than those described
 3499 in the declaration.

3500 (27) If the developer is required by state or local

3501 authorities to obtain acceptance or approval of any dock or
 3502 marina facilities intended to serve the condominium, a copy of
 3503 any such acceptance or approval acquired by the time of filing
 3504 with the division under s. 718.502(1) or a statement that such
 3505 acceptance or approval has not been acquired or received.

3506 (28) Evidence demonstrating that the developer has an
 3507 ownership, leasehold, or contractual interest in the land upon
 3508 which the condominium is to be developed.

3509 Section 25. Paragraph (k) of subsection (1) of section
 3510 719.106, Florida Statutes, is amended to read:

3511 719.106 Bylaws; cooperative ownership.—

3512 (1) MANDATORY PROVISIONS.—The bylaws or other cooperative
 3513 documents shall provide for the following, and if they do not,
 3514 they shall be deemed to include the following:

3515 (k) *Structural integrity reserve study*.—

3516 1. A residential cooperative association must have a
 3517 structural integrity reserve study completed at least every 10
 3518 years for each building on the cooperative property that is
 3519 three stories or higher in height, as determined by the Florida
 3520 Building Code, that includes, at a minimum, a study of the
 3521 following items as related to the structural integrity and
 3522 safety of the building:

3523 a. Roof.

3524 b. Structure, including load-bearing walls and other
 3525 primary structural members and primary structural systems as

3526 those terms are defined in s. 627.706.
 3527 c. Fireproofing and fire protection systems.
 3528 d. Plumbing.
 3529 e. Electrical systems.
 3530 f. Waterproofing and exterior painting.
 3531 g. Windows and exterior doors.

3532 h. Any other item that has a deferred maintenance expense
 3533 or replacement cost that exceeds \$10,000 and the failure to
 3534 replace or maintain such item negatively affects the items
 3535 listed in sub-subparagraphs a.-g., as determined by the visual
 3536 inspection portion of the structural integrity reserve study.

3537 2. A structural integrity reserve study is based on a
 3538 visual inspection of the cooperative property. A structural
 3539 integrity reserve study may be performed by any person qualified
 3540 to perform such study. However, the visual inspection portion of
 3541 the structural integrity reserve study must be performed or
 3542 verified by an engineer licensed under chapter 471, an architect
 3543 licensed under chapter 481, or a person certified as a reserve
 3544 specialist or professional reserve analyst by the Community
 3545 Associations Institute or the Association of Professional
 3546 Reserve Analysts.

3547 3. At a minimum, a structural integrity reserve study must
 3548 identify each item of the cooperative property being visually
 3549 inspected, state the estimated remaining useful life and the
 3550 estimated replacement cost or deferred maintenance expense of

3551 each item of the cooperative property being visually inspected,
3552 and provide a reserve funding schedule with a recommended annual
3553 reserve amount that achieves the estimated replacement cost or
3554 deferred maintenance expense of each item of cooperative
3555 property being visually inspected by the end of the estimated
3556 remaining useful life of the item. The structural integrity
3557 reserve study may recommend that reserves do not need to be
3558 maintained for any item for which an estimate of useful life and
3559 an estimate of replacement cost cannot be determined, or the
3560 study may recommend a deferred maintenance expense amount for
3561 such item. The structural integrity reserve study may recommend
3562 that reserves for replacement costs do not need to be maintained
3563 for any item with an estimated remaining useful life of greater
3564 than 25 years, but the study may recommend a deferred
3565 maintenance expense amount for such item.

3566 4. This paragraph does not apply to buildings less than
3567 three stories in height; single-family, two-family, or three-
3568 family dwellings with three or fewer habitable stories above
3569 ground; any portion or component of a building that has not been
3570 submitted to the cooperative form of ownership; or any portion
3571 or component of a building that is maintained by a party other
3572 than the association.

3573 5. Before a developer turns over control of an association
3574 to unit owners other than the developer, the developer must have
3575 a turnover inspection report in compliance with s. 719.301(4)(p)

3576 and (q) for each building on the cooperative property that is
3577 three stories or higher in height.

3578 6. Associations existing on or before July 1, 2022, which
3579 are controlled by unit owners other than the developer, must
3580 have a structural integrity reserve study completed by December
3581 31, 2024, for each building on the cooperative property that is
3582 three stories or higher in height. An association that is
3583 required to complete a milestone inspection on or before
3584 December 31, 2026, in accordance with s. 553.899 may complete
3585 the structural integrity reserve study simultaneously with the
3586 milestone inspection. In no event may the structural integrity
3587 reserve study be completed after December 31, 2026.

3588 7. If the milestone inspection required by s. 553.899, or
3589 an inspection completed for a similar local requirement, was
3590 performed within the past 5 years and meets the requirements of
3591 this paragraph, such inspection may be used in place of the
3592 visual inspection portion of the structural integrity reserve
3593 study.

3594 8. If the officers or directors of an association
3595 willfully and knowingly fail to complete a structural integrity
3596 reserve study pursuant to this paragraph, such failure is a
3597 breach of an officer's and director's fiduciary relationship to
3598 the unit owners under s. 719.104(9).

3599 9. Within 45 days after receiving the structural integrity
3600 reserve study, the association must distribute a copy of the

3601 study to each unit owner or deliver to each unit owner a notice
3602 that the completed study is available for inspection and copying
3603 upon a written request. Distribution of a copy of the study or
3604 notice must be made by United States mail or personal delivery
3605 at the mailing address, property address, or any other address
3606 of the owner provided to fulfill the association's notice
3607 requirements under this chapter, or by electronic transmission
3608 to the e-mail address or facsimile number provided to fulfill
3609 the association's notice requirements to unit owners who
3610 previously consented to receive notice by electronic
3611 transmission.

3612 10. Within 45 days after receiving the structural
3613 integrity reserve study, the association must provide the
3614 division with a statement indicating that the study was
3615 completed and that the association provided or made available
3616 such study to each unit owner in accordance with this section.
3617 Such statement must be provided to the division in the manner
3618 established by the division using a form posted on the
3619 division's website.

3620 Section 26. Paragraph (p) of subsection (4) of section
3621 719.301, Florida Statutes, is amended to read:

3622 719.301 Transfer of association control.—

3623 (4) When unit owners other than the developer elect a
3624 majority of the members of the board of administration of an
3625 association, the developer shall relinquish control of the

3626 association, and the unit owners shall accept control.
 3627 Simultaneously, or for the purpose of paragraph (c) not more
 3628 than 90 days thereafter, the developer shall deliver to the
 3629 association, at the developer's expense, all property of the
 3630 unit owners and of the association held or controlled by the
 3631 developer, including, but not limited to, the following items,
 3632 if applicable, as to each cooperative operated by the
 3633 association:

3634 (p) Notwithstanding when the certificate of occupancy was
 3635 issued or the height of the building, a turnover inspection
 3636 report included in the official records, under seal of an
 3637 architect or engineer authorized to practice in this state or a
 3638 person certified as a reserve specialist or professional reserve
 3639 analyst by the Community Associations Institute or the
 3640 Association of Professional Reserve Analysts, consisting of a
 3641 structural integrity reserve study attesting to required
 3642 maintenance, condition, useful life, and replacement costs of
 3643 the following applicable cooperative property:

- 3644 1. Roof.
- 3645 2. Structure, including load-bearing walls and primary
 3646 structural members and primary structural systems as those terms
 3647 are defined in s. 627.706.
- 3648 3. Fireproofing and fire protection systems.
- 3649 4. Plumbing.
- 3650 5. Electrical systems.

3651 6. Waterproofing and exterior painting.

3652 7. Windows and exterior doors.

3653 Section 27. The Division of Florida Condominiums,
 3654 Timeshares, and Mobile Homes of the Department of Business and
 3655 Professional Regulation shall complete a review of the website
 3656 or application requirements for official records under s.
 3657 718.111(12)(g), Florida Statutes, and make recommendations
 3658 regarding any additional official records of a condominium
 3659 association that should be included in the record maintenance
 3660 requirements in the statute. The division shall submit to the
 3661 Governor, the President of the Senate, and the Speaker of the
 3662 House of Representatives the findings of its review by January
 3663 1, 2025.

3664 Section 28. By January 1, 2025, the Division of Florida
 3665 Condominiums, Timeshares, and Mobile Homes of the Department of
 3666 Business and Professional Regulation shall create a database on
 3667 its website of the associations that have reported the
 3668 completion of the structural integrity reserve study under ss.
 3669 718.112(2)(g) and 719.106(1)(k), Florida Statutes.

3670 Section 29. For the 2024-2025 fiscal year, the sums of
 3671 \$6,122,390 in recurring and \$1,293,879 in nonrecurring funds
 3672 from the General Revenue Fund are appropriated to the Department
 3673 of Business and Professional Regulation, and 65 full-time
 3674 equivalent positions with associated salary rate of 3,180,319
 3675 are authorized, for the purpose of implementing this act.

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2024

3676 Section 30. The amendments made to ss. 718.103(14) and
3677 718.202(3) and s. 718.407(1), (2), and (6), Florida Statutes, as
3678 created by this act, are intended to clarify existing law and
3679 shall apply retroactively. However, such amendments do not
3680 revive or reinstate any right or interest that has been fully
3681 and finally adjudicated as invalid before October 1, 2024.

3682 Section 31. Except as otherwise expressly provided in this
3683 act, this act shall take effect July 1, 2024.