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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/13/2024	.	
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The Appropriations Committee on Agriculture, Environment, and General Government (Bradley) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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



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



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40 agreement to provide community association management services
41 to the community association or receipt of a written request
42 from the association for return of the records, whichever occurs
43 first.

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

46 468.4335 Conflicts of interest.-

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

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

61 (b) A community association manager or a community
62 association management firm, including directors, officers, and
63 persons with a financial interest in a community association
64 management firm, or a relative of such persons, holds an
65 interest in or receives compensation or any thing of value from
66 a corporation, limited liability corporation, partnership,
67 limited liability partnership, or other business entity that
68 conducts business with the association or proposes to enter into



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69 a contract or other transaction with the association.

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

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

93 (4) If the board finds that a community association manager
94 or a community association management firm, including directors,
95 officers, and persons with a financial interest in a community
96 association management firm, or a relative of such persons, has
97 violated this section, the association may cancel its community



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98 association management contract with the community association
99 manager or the community association management firm. If the
100 contract is canceled, the association is liable only for the
101 reasonable value of the management services provided up to the
102 time of cancellation and is not liable for any termination fees,
103 liquidated damages, or other form of penalty for such
104 cancellation.

105 (5) If an association enters into a contract, other than a
106 contract for community association management services, with a
107 community association manager or a community association
108 management firm, including directors, officers, and persons with
109 a financial interest in a community association management firm,
110 or a relative of such persons, which is a party to or has an
111 interest in an activity that is a possible conflict of interest
112 as described in subsection (1) and that activity has not been
113 properly disclosed as a conflict of interest or potential
114 conflict of interest as required by this section, the contract
115 is voidable and terminates upon the association filing a written
116 notice terminating the contract.

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

120 (7) The procedures in subsections (2), (3), and (4) do not
121 apply to any activities or the provision of goods and services
122 that are disclosed in the management services contract as a
123 conflict of interest within the meaning of subsection (1).

124 Section 3. Paragraph (b) of subsection (2) of section
125 468.436, Florida Statutes, is amended, and subsection (4) of
126 that section is reenacted, to read:



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127 468.436 Disciplinary proceedings.—
128 (2) The following acts constitute grounds for which the
129 disciplinary actions in subsection (4) may be taken:
130 (b)1. Violation of ~~any provision of~~ this part.
131 2. Violation of any lawful order or rule rendered or
132 adopted by the department or the council.
133 3. Being convicted of or pleading nolo contendere to a
134 felony in any court in the United States.
135 4. Obtaining a license or certification or any other order,
136 ruling, or authorization by means of fraud, misrepresentation,
137 or concealment of material facts.
138 5. Committing acts of gross misconduct or gross negligence
139 in connection with the profession.
140 6. Contracting, on behalf of an association, with any
141 entity in which the licensee has a financial interest that is
142 not disclosed.
143 7. Failing to disclose any conflict of interest as required
144 by s. 468.4335.
145 8. ~~Violating any provision of~~ chapter 718, chapter 719, or
146 chapter 720 during the course of performing community
147 association management services pursuant to a contract with a
148 community association as defined in s. 468.431(1).
149 (4) When the department finds any community association
150 manager or firm guilty of any of the grounds set forth in
151 subsection (2), it may enter an order imposing one or more of
152 the following penalties:
153 (a) Denial of an application for licensure.
154 (b) Revocation or suspension of a license.
155 (c) Imposition of an administrative fine not to exceed



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156 \$5,000 for each count or separate offense.

157 (d) Issuance of a reprimand.

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

161 (f) Restriction of the authorized scope of practice by the
162 community association manager.

163 Section 4. Section 553.8445, Florida Statutes, is created
164 to read:

165 553.8445 Prevention of water intrusion through the tracks
166 of sliding glass doors.-

167 (1) All residential dwellings must be required to be
168 equipped with a reusable device which is attachable to the
169 sliding glass door track and is designed to reduce water
170 intrusion through the tracks of the sliding glass doors by not
171 less than 90 percent with wind not less than 100 miles per hour
172 as a condition for:

173 (a) The issuance of a building permit for the construction
174 of new residential dwelling with an exterior sliding glass door.

175 (b) The issuance of a building permit for the installation
176 or repair of an exterior sliding glass door in a residential
177 dwelling.

178 (c) The completion of a milestone inspection required by s.
179 553.899, or a similar local requirement, for any dwelling with
180 an exterior sliding glass door.

181 (2) This section shall apply to exterior sliding glass
182 doors contained in any condominium unit, multifamily dwelling,
183 or single-family dwelling.

184 (3) By July 1, 2025, the commission shall adopt the



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185 requirements of this section into the Florida Building Code
186 pursuant to s. 553.73(8).

187 Section 5. Subsection (4) of section 553.899, Florida
188 Statutes, is amended to read:

189 553.899 Mandatory structural inspections for condominium
190 and cooperative buildings.—

191 (4) The milestone inspection report must be arranged by a
192 condominium or cooperative association and any owner of any
193 portion of the building which is not subject to the condominium
194 or cooperative form of ownership. The condominium association or
195 cooperative association and any owner of any portion of the
196 building which is not subject to the condominium or cooperative
197 form of ownership are each responsible for ensuring compliance
198 with the requirements of this section. The condominium
199 association or cooperative association is responsible for all
200 costs associated with the milestone inspection attributable to
201 the portions of a building which the association is responsible
202 to maintain under the governing documents of the association.
203 This section does not apply to a single-family, two-family, ~~or~~
204 three-family, or four-family dwelling with three or fewer
205 habitable stories above ground.

206 Section 6. Present subsections (19) through (32) of section
207 718.103, Florida Statutes, are redesignated as subsections (20)
208 through (33), respectively, a new subsection (19) is added to
209 that section, and subsection (1) of that section is amended, to
210 read:

211 718.103 Definitions.—As used in this chapter, the term:

212 (1) "Alternative funding method" means a method approved by
213 the division for funding the capital expenditures and planned



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214 ~~deferred~~ maintenance obligations for a multicondominium
215 association operating at least 25 condominiums which may
216 reasonably be expected to fully satisfy the association's
217 reserve funding obligations by the allocation of funds in the
218 annual operating budget.

219 (19) "Hurricane protection" means hurricane shutters,
220 impact glass, code-compliant windows or doors, and other code-
221 compliant hurricane protection products used to preserve and
222 protect the condominium property or association property.

223 Section 7. Paragraph (p) is added to subsection (4) of
224 section 718.104, Florida Statutes, to read:

225 718.104 Creation of condominiums; contents of declaration.—
226 Every condominium created in this state shall be created
227 pursuant to this chapter.

228 (4) The declaration must contain or provide for the
229 following matters:

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

236 Section 8. Paragraph (a) of subsection (1), paragraph (h)
237 of subsection (11), and subsections (12), (13), and (15) of
238 section 718.111, Florida Statutes, are amended to read:

239 718.111 The association.—

240 (1) CORPORATE ENTITY.—

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



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

268 (11) INSURANCE.—In order to protect the safety, health, and
269 welfare of the people of the State of Florida and to ensure
270 consistency in the provision of insurance coverage to
271 condominiums and their unit owners, this subsection applies to



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272 every residential condominium in the state, regardless of the
273 date of its declaration of condominium. It is the intent of the
274 Legislature to encourage lower or stable insurance premiums for
275 associations described in this subsection.

276 (h) The association shall maintain insurance or fidelity
277 bonding of all persons who control or disburse funds of the
278 association. The insurance policy or fidelity bond must cover
279 the maximum funds that will be in the custody of the association
280 or its management agent at any one time. Upon receipt of a
281 complaint, the division shall monitor compliance with this
282 paragraph and may issue fines and penalties established by the
283 division for failure of an association to maintain the required
284 insurance policy or fidelity bond. As used in this paragraph,
285 the term "persons who control or disburse funds of the
286 association" includes, but is not limited to, those individuals
287 authorized to sign checks on behalf of the association, and the
288 president, secretary, and treasurer of the association. The
289 association shall bear the cost of any such bonding.

290 (12) OFFICIAL RECORDS.—

291 (a) From the inception of the association, the association
292 shall maintain each of the following items, if applicable, which
293 constitutes the official records of the association:

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

296 2. A photocopy of the recorded declaration of condominium
297 of each condominium operated by the association and each
298 amendment to each declaration.

299 3. A photocopy of the recorded bylaws of the association
300 and each amendment to the bylaws.



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301 4. A certified copy of the articles of incorporation of the
302 association, or other documents creating the association, and
303 each amendment thereto.

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

305 6. A book or books that contain the minutes of all meetings
306 of the association, the board of administration, and the unit
307 owners.

308 7. A current roster of all unit owners and their mailing
309 addresses, unit identifications, voting certifications, and, if
310 known, telephone numbers. The association shall also maintain
311 the e-mail addresses and facsimile numbers of unit owners
312 consenting to receive notice by electronic transmission. The e-
313 mail addresses and facsimile numbers are not accessible to unit
314 owners if consent to receive notice by electronic transmission
315 is not provided in accordance with sub-subparagraph (c)5.e.
316 ~~(e)3.e.~~ However, the association is not liable for an
317 inadvertent disclosure of the e-mail address or facsimile number
318 for receiving electronic transmission of notices.

319 8. All current insurance policies of the association and
320 condominiums operated by the association.

321 9. A current copy of any management agreement, lease, or
322 other contract to which the association is a party or under
323 which the association or the unit owners have an obligation or
324 responsibility.

325 10. Bills of sale or transfer for all property owned by the
326 association.

327 11. Accounting records for the association and separate
328 accounting records for each condominium that the association
329 operates. Any person who knowingly or intentionally defaces or



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330 destroys such records, or who knowingly or intentionally fails
331 to create or maintain such records, with the intent of causing
332 harm to the association or one or more of its members, is
333 personally subject to a civil penalty pursuant to s.

334 718.501(1)(d). The accounting records must include, but are not
335 limited to:

336 a. Accurate, itemized, and detailed records of all receipts
337 and expenditures.

338 b. All invoices, transaction receipts, or deposit slips
339 that substantiate any receipt or expenditure of funds by the
340 association.

341 c. A current account and a monthly, bimonthly, or quarterly
342 statement of the account for each unit designating the name of
343 the unit owner, the due date and amount of each assessment, the
344 amount paid on the account, and the balance due.

345 ~~d.e.~~ All audits, reviews, accounting statements, structural
346 integrity reserve studies, and financial reports of the
347 association or condominium. Structural integrity reserve studies
348 must be maintained for at least 15 years after the study is
349 completed.

350 ~~e.d.~~ All contracts for work to be performed. Bids for work
351 to be performed are also considered official records and must be
352 maintained by the association for at least 1 year after receipt
353 of the bid.

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



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

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

363 15. A copy of the inspection reports described in ss.
364 553.899 and 718.301(4) (p) and any other inspection report
365 relating to a structural or life safety inspection of
366 condominium property. Such record must be maintained by the
367 association for 15 years after receipt of the report.

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

369 17. All affirmative acknowledgments made pursuant to s.
370 718.121(4) (c).

371 18. A copy of all building permits.

372 19. All other written records of the association not
373 specifically included in the foregoing which are related to the
374 operation of the association.

375 (b) The official records specified in subparagraphs (a)1.-
376 6. must be permanently maintained from the inception of the
377 association. Bids for work to be performed or for materials,
378 equipment, or services must be maintained for at least 1 year
379 after receipt of the bid. All other official records must be
380 maintained within the state for at least 7 years, unless
381 otherwise provided by general law. The official records must be
382 maintained in a manner that facilitates inspection of the
383 records by a unit owner. In the event that the records are lost,
384 destroyed, or otherwise unavailable, the obligation to maintain
385 official records includes a good faith obligation to recover
386 those records as may be reasonably possible. The records of the
387 association shall be made available to a unit owner within 45



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388 miles of the condominium property or within the county in which
389 the condominium property is located within 10 working days after
390 receipt of a written request by the board or its designee.
391 However, such distance requirement does not apply to an
392 association governing a timeshare condominium. This paragraph
393 and paragraph (c) may be complied with by having a copy of the
394 official records of the association available for inspection or
395 copying on the condominium property or association property, or
396 the association may offer the option of making the records
397 available to a unit owner electronically via the Internet as
398 provided under paragraph (g) or by allowing the records to be
399 viewed in electronic format on a computer screen and printed
400 upon request. The association is not responsible for the use or
401 misuse of the information provided to an association member or
402 his or her authorized representative in compliance with this
403 chapter unless the association has an affirmative duty not to
404 disclose such information under this chapter.

405 (c)1.a. The official records of the association are open to
406 inspection by any association member and any person authorized
407 by an association member as a representative of such member at
408 all reasonable times. The right to inspect the records includes
409 the right to make or obtain copies, at the reasonable expense,
410 if any, of the member and of the person authorized by the
411 association member as a representative of such member. A renter
412 of a unit has a right to inspect and copy only the declaration
413 of condominium, the association's bylaws and rules, and the
414 inspection reports described in ss. 553.899 and 718.301(4)(p).
415 The association may adopt reasonable rules regarding the
416 frequency, time, location, notice, and manner of record



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417 inspections and copying but may not require a member to
418 demonstrate any purpose or state any reason for the inspection.
419 The failure of an association to provide the records within 10
420 working days after receipt of a written request creates a
421 rebuttable presumption that the association willfully failed to
422 comply with this paragraph. A unit owner who is denied access to
423 official records is entitled to the actual damages or minimum
424 damages for the association's willful failure to comply. Minimum
425 damages are \$50 per calendar day for up to 10 days, beginning on
426 the 11th working day after receipt of the written request. The
427 failure to permit inspection entitles any person prevailing in
428 an enforcement action to recover reasonable attorney fees from
429 the person in control of the records who, directly or
430 indirectly, knowingly denied access to the records. If the
431 requested records are posted on an association's website, or are
432 available for download through an application on a mobile
433 device, the association may fulfill its obligations as provided
434 under this paragraph by directing all persons authorized to
435 request access to official records pursuant to this paragraph to
436 the website or mobile device application.

437 b. In response to a written request to inspect records, the
438 association must simultaneously provide a checklist to the
439 requestor of all records made available for inspection and
440 copying. The checklist must also identify any of the
441 association's official records that were not made available to
442 the requestor. An association must maintain a checklist provided
443 under this sub-subparagraph for 7 years. An association
444 delivering a checklist pursuant to this sub-subparagraph creates
445 a rebuttable presumption that the association has complied with



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446 this paragraph.

447 2. Any director or member of the board or association or a
448 community association manager who knowingly, willfully, and
449 repeatedly violates subparagraph 1. with the intent of causing
450 harm to the association or one or more of its members commits a
451 misdemeanor of the second degree, punishable as provided in s.
452 775.082 or s. 775.083. For purposes of this subparagraph, the
453 term "repeatedly" means two or more violations within a 12-month
454 period.

455 3.2. Any person who knowingly or intentionally defaces or
456 destroys accounting records that are required by this chapter to
457 be maintained during the period for which such records are
458 required to be maintained, or who knowingly or intentionally
459 fails to create or maintain accounting records that are required
460 to be created or maintained, with the intent of causing harm to
461 the association or one or more of its members, commits a
462 misdemeanor of the first degree, punishable as provided in s.
463 775.082 or s. 775.083, and is personally subject to a civil
464 penalty pursuant to s. 718.501(1)(d).

465 4. Any person who willfully and knowingly refuses to
466 release or otherwise produce association records with the intent
467 to avoid or escape detection, arrest, trial, or punishment for
468 the commission of a crime, or to assist another person with such
469 avoidance or escape, commits a felony of the third degree,
470 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

471 5.3. The association shall maintain an adequate number of
472 copies of the declaration, articles of incorporation, bylaws,
473 and rules, and all amendments to each of the foregoing, as well
474 as the question and answer sheet as described in s. 718.504 and



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475 year-end financial information required under this section, on
476 the condominium property to ensure their availability to unit
477 owners and prospective purchasers, and may charge its actual
478 costs for preparing and furnishing these documents to those
479 requesting the documents. An association shall allow a member or
480 his or her authorized representative to use a portable device,
481 including a smartphone, tablet, portable scanner, or any other
482 technology capable of scanning or taking photographs, to make an
483 electronic copy of the official records in lieu of the
484 association's providing the member or his or her authorized
485 representative with a copy of such records. The association may
486 not charge a member or his or her authorized representative for
487 the use of a portable device. Notwithstanding this paragraph,
488 the following records are not accessible to unit owners:

489 a. Any record protected by the lawyer-client privilege as
490 described in s. 90.502 and any record protected by the work-
491 product privilege, including a record prepared by an association
492 attorney or prepared at the attorney's express direction, which
493 reflects a mental impression, conclusion, litigation strategy,
494 or legal theory of the attorney or the association, and which
495 was prepared exclusively for civil or criminal litigation or for
496 adversarial administrative proceedings, or which was prepared in
497 anticipation of such litigation or proceedings until the
498 conclusion of the litigation or proceedings.

499 b. Information obtained by an association in connection
500 with the approval of the lease, sale, or other transfer of a
501 unit.

502 c. Personnel records of association or management company
503 employees, including, but not limited to, disciplinary, payroll,



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504 health, and insurance records. For purposes of this sub-
505 subparagraph, the term "personnel records" does not include
506 written employment agreements with an association employee or
507 management company, or budgetary or financial records that
508 indicate the compensation paid to an association employee.

509 d. Medical records of unit owners.

510 e. Social security numbers, driver license numbers, credit
511 card numbers, e-mail addresses, telephone numbers, facsimile
512 numbers, emergency contact information, addresses of a unit
513 owner other than as provided to fulfill the association's notice
514 requirements, and other personal identifying information of any
515 person, excluding the person's name, unit designation, mailing
516 address, property address, and any address, e-mail address, or
517 facsimile number provided to the association to fulfill the
518 association's notice requirements. Notwithstanding the
519 restrictions in this sub-subparagraph, an association may print
520 and distribute to unit owners a directory containing the name,
521 unit address, and all telephone numbers of each unit owner.
522 However, an owner may exclude his or her telephone numbers from
523 the directory by so requesting in writing to the association. An
524 owner may consent in writing to the disclosure of other contact
525 information described in this sub-subparagraph. The association
526 is not liable for the inadvertent disclosure of information that
527 is protected under this sub-subparagraph if the information is
528 included in an official record of the association and is
529 voluntarily provided by an owner and not requested by the
530 association.

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



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533 g. The software and operating system used by the
534 association which allow the manipulation of data, even if the
535 owner owns a copy of the same software used by the association.
536 The data is part of the official records of the association.

537 h. All affirmative acknowledgments made pursuant to s.
538 718.121(4)(c).

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

541 (e)1. The association or its authorized agent is not
542 required to provide a prospective purchaser or lienholder with
543 information about the condominium or the association other than
544 information or documents required by this chapter to be made
545 available or disclosed. The association or its authorized agent
546 may charge a reasonable fee to the prospective purchaser,
547 lienholder, or the current unit owner for providing good faith
548 responses to requests for information by or on behalf of a
549 prospective purchaser or lienholder, other than that required by
550 law, if the fee does not exceed \$150 plus the reasonable cost of
551 photocopying and any attorney's fees incurred by the association
552 in connection with the response.

553 2. An association and its authorized agent are not liable
554 for providing such information in good faith pursuant to a
555 written request if the person providing the information includes
556 a written statement in substantially the following form: "The
557 responses herein are made in good faith and to the best of my
558 ability as to their accuracy."

559 (f) An outgoing board or committee member must relinquish
560 all official records and property of the association in his or
561 her possession or under his or her control to the incoming board



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562 within 5 days after the election. The division shall impose a
563 civil penalty as set forth in s. 718.501(1)(d)6. against an
564 outgoing board or committee member who willfully and knowingly
565 fails to relinquish such records and property.

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

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

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

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

582 b. The association's website or application must be
583 accessible through the Internet and must contain a subpage, web
584 portal, or other protected electronic location that is
585 inaccessible to the general public and accessible only to unit
586 owners and employees of the association.

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



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591 that must be electronically provided.

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

594 a. The recorded declaration of condominium of each
595 condominium operated by the association and each amendment to
596 each declaration.

597 b. The recorded bylaws of the association and each
598 amendment to the bylaws.

599 c. The articles of incorporation of the association, or
600 other documents creating the association, and each amendment to
601 the articles of incorporation or other documents. The copy
602 posted pursuant to this sub-subparagraph must be a copy of the
603 articles of incorporation filed with the Department of State.

604 d. The rules of the association.

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

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

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

619 h. The certification of each director required by s.



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620 718.112(2)(d)4.b.

621 i. All contracts or transactions between the association
622 and any director, officer, corporation, firm, or association
623 that is not an affiliated condominium association or any other
624 entity in which an association director is also a director or
625 officer and financially interested.

626 j. Any contract or document regarding a conflict of
627 interest or possible conflict of interest as provided in ss.
628 468.4335, 468.436(2)(b)6., and 718.3027(3).

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

640 l. Notice of any board meeting, the agenda, and any other
641 document required for the meeting as required by s.
642 718.112(2)(c), which must be posted no later than the date
643 required for notice under s. 718.112(2)(c).

644 m. The inspection reports described in ss. 553.899 and
645 718.301(4)(p) and any other inspection report relating to a
646 structural or life safety inspection of condominium property.

647 n. The association's most recent structural integrity
648 reserve study, if applicable.



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649 o. Copies of all building permits issued for ongoing or
650 planned construction.

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

659 Notwithstanding the foregoing, the association or its agent is
660 not liable for disclosing information that is protected or
661 restricted under this paragraph unless such disclosure was made
662 with a knowing or intentional disregard of the protected or
663 restricted nature of such information.

664 4. The failure of the association to post information
665 required under subparagraph 2. is not in and of itself
666 sufficient to invalidate any action or decision of the
667 association's board or its committees.

668 (13) FINANCIAL REPORTING.—Within 90 days after the end of
669 the fiscal year, or annually on a date provided in the bylaws,
670 the association shall prepare and complete, or contract for the
671 preparation and completion of, a financial report for the
672 preceding fiscal year. Within 21 days after the final financial
673 report is completed by the association or received from the
674 third party, but not later than 120 days after the end of the
675 fiscal year or other date as provided in the bylaws, the
676 association shall deliver mail to each unit owner, by United
677 States mail or personal delivery at the mailing address,



678 property address, e-mail address, or facsimile number provided
679 to fulfill the association's notice requirements at the address
680 ~~last furnished to the association by the unit owner, or hand~~
681 ~~deliver to each unit owner,~~ a copy of the most recent financial
682 report or a notice that a copy of the most recent financial
683 report will be mailed or hand delivered to the unit owner,
684 without charge, within 5 business days after receipt of a
685 written request from the unit owner. The division shall adopt
686 rules setting forth uniform accounting principles and standards
687 to be used by all associations and addressing the financial
688 reporting requirements for multicondominium associations. The
689 rules must include, but not be limited to, standards for
690 presenting a summary of association reserves, including a good
691 faith estimate disclosing the annual amount of reserve funds
692 that would be necessary for the association to fully fund
693 reserves for each reserve item based on the straight-line
694 accounting method. This disclosure is not applicable to reserves
695 funded via the pooling method. In adopting such rules, the
696 division shall consider the number of members and annual
697 revenues of an association. Financial reports shall be prepared
698 as follows:

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

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



707 2. An association with total annual revenues of at least
708 \$300,000, but less than \$500,000, shall prepare reviewed
709 financial statements.

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

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

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

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

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

732 2. Reviewed or audited financial statements, if the
733 association is required to prepare compiled financial
734 statements; or

735 3. Audited financial statements if the association is



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736 required to prepare reviewed financial statements.

737 (d) If approved by a majority of the voting interests
738 present at a properly called meeting of the association, an
739 association may prepare:

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

742 2. A report of cash receipts and expenditures or a compiled
743 financial statement in lieu of a reviewed or audited financial
744 statement; or

745 3. A report of cash receipts and expenditures, a compiled
746 financial statement, or a reviewed financial statement in lieu
747 of an audited financial statement.

748
749 Such meeting and approval must occur before the end of the
750 fiscal year and is effective only for the fiscal year in which
751 the vote is taken. An association may not prepare a financial
752 report pursuant to this paragraph for consecutive fiscal years,
753 ~~except that the approval may also be effective for the following~~
754 ~~fiscal year.~~ If the developer has not turned over control of the
755 association, all unit owners, including the developer, may vote
756 on issues related to the preparation of the association's
757 financial reports, from the date of incorporation of the
758 association through the end of the second fiscal year after the
759 fiscal year in which the certificate of a surveyor and mapper is
760 recorded pursuant to s. 718.104(4)(e) or an instrument that
761 transfers title to a unit in the condominium which is not
762 accompanied by a recorded assignment of developer rights in
763 favor of the grantee of such unit is recorded, whichever occurs
764 first. Thereafter, all unit owners except the developer may vote



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765 on such issues until control is turned over to the association
766 by the developer. Any audit or review prepared under this
767 section shall be paid for by the developer if done before
768 turnover of control of the association.

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

788 (15) DEBIT CARDS.—

789 (a) An association and its officers, directors, employees,
790 and agents may not use a debit card issued in the name of the
791 association, or billed directly to the association, for the
792 payment of any association expense.

793 (b) A person who uses ~~Use of~~ a debit card issued in the



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794 name of the association, or billed directly to the association,
795 for any expense that is not a lawful obligation of the
796 association commits theft under s. 812.014. For the purposes of
797 this paragraph, the term "lawful obligation of the association"
798 means an obligation that has been properly preapproved by the
799 board and is reflected in the meeting minutes or the written
800 budget may be prosecuted as credit card fraud pursuant to s.
801 817.61.

802 Section 9. Effective January 1, 2026, paragraph (g) of
803 subsection (12) of section 718.111, Florida Statutes, as amended
804 by this act, is amended to read:

805 718.111 The association.—

806 (12) OFFICIAL RECORDS.—

807 (g)1. ~~By January 1, 2019,~~ An association managing a
808 condominium with 25 ~~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.



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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 posted
834 in digital format on the association's website or application:

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

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

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

845 d. The rules of the association.

846 e. A list of all executory contracts or documents to which
847 the association is a party or under which the association or the
848 unit owners have an obligation or responsibility and, after
849 bidding for the related materials, equipment, or services has
850 closed, a list of bids received by the association within the
851 past year. Summaries of bids for materials, equipment, or



852 services which exceed \$500 must be maintained on the website or
853 application for 1 year. In lieu of summaries, complete copies of
854 the bids may be posted.

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

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

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

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

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

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



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

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

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

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

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

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

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

909 Section 10. Paragraphs (c), (d), (f), (g), and (q) of



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910 subsection (2) of section 718.112, Florida Statutes, are
911 amended, and paragraph (r) is added to that section, to read:

912 718.112 Bylaws.—

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

916 (c) *Board of administration meetings.*—In a residential
917 condominium association of more than 10 units, the board of
918 administration shall meet at least once each quarter. At least
919 four times each year, the meeting agenda must include an
920 opportunity for members to ask questions. Meetings of the board
921 of administration at which a quorum of the members is present
922 are open to all unit owners. Members of the board of
923 administration may use e-mail as a means of communication but
924 may not cast a vote on an association matter via e-mail. A unit
925 owner may tape record or videotape the meetings. The right to
926 attend such meetings includes the right to speak at such
927 meetings with reference to all designated agenda items, and the
928 right to ask questions with respect to reports on the status of
929 construction or repair projects, status of revenues and
930 expenditures during the current fiscal year, and other issues
931 affecting the condominium. The division shall adopt reasonable
932 rules governing the tape recording and videotaping of the
933 meeting. The association may adopt written reasonable rules
934 governing the frequency, duration, and manner of unit owner
935 statements.

936 1. Adequate notice of all board meetings, which must
937 specifically identify all agenda items, must be posted
938 conspicuously on the condominium property at least 48 continuous



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

960 2. Upon notice to the unit owners, the board shall, by duly
961 adopted rule, designate a specific location on the condominium
962 property where all notices of board meetings must be posted. If
963 there is no condominium property where notices can be posted,
964 notices shall be mailed, delivered, or electronically
965 transmitted to each unit owner at least 14 days before the
966 meeting. In lieu of or in addition to the physical posting of
967 the notice on the condominium property, the association may, by



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968 reasonable rule, adopt a procedure for conspicuously posting and
969 repeatedly broadcasting the notice and the agenda on a closed-
970 circuit cable television system serving the condominium
971 association. However, if broadcast notice is used in lieu of a
972 notice physically posted on condominium property, the notice and
973 agenda must be broadcast at least four times every broadcast
974 hour of each day that a posted notice is otherwise required
975 under this section. If broadcast notice is provided, the notice
976 and agenda must be broadcast in a manner and for a sufficient
977 continuous length of time so as to allow an average reader to
978 observe the notice and read and comprehend the entire content of
979 the notice and the agenda. In addition to any of the authorized
980 means of providing notice of a meeting of the board, the
981 association may, by rule, adopt a procedure for conspicuously
982 posting the meeting notice and the agenda on a website serving
983 the condominium association for at least the minimum period of
984 time for which a notice of a meeting is also required to be
985 physically posted on the condominium property. Any rule adopted
986 shall, in addition to other matters, include a requirement that
987 the association send an electronic notice in the same manner as
988 a notice for a meeting of the members, which must include a
989 hyperlink to the website where the notice is posted, to unit
990 owners whose e-mail addresses are included in the association's
991 official records.

992 3. Notice of any meeting in which regular or special
993 assessments against unit owners are to be considered must
994 specifically state that assessments will be considered and
995 provide the estimated cost and description of the purposes for
996 such assessments. If an agenda item relates to the approval of a



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997 contract for goods or services, a copy of the contract must be
998 provided with the notice, made available for inspection and
999 copying upon a written request from a unit owner, or made
1000 available on the association's website or through an application
1001 that can be downloaded on a mobile device.

1002 ~~4.2.~~ Meetings of a committee to take final action on behalf
1003 of the board or make recommendations to the board regarding the
1004 association budget are subject to this paragraph. Meetings of a
1005 committee that does not take final action on behalf of the board
1006 or make recommendations to the board regarding the association
1007 budget are subject to this section, unless those meetings are
1008 exempted from this section by the bylaws of the association.

1009 ~~5.3.~~ Notwithstanding any other law, the requirement that
1010 board meetings and committee meetings be open to the unit owners
1011 does not apply to:

1012 a. Meetings between the board or a committee and the
1013 association's attorney, with respect to proposed or pending
1014 litigation, if the meeting is held for the purpose of seeking or
1015 rendering legal advice; or

1016 b. Board meetings held for the purpose of discussing
1017 personnel matters.

1018 (d) *Unit owner meetings.*—

1019 1. An annual meeting of the unit owners must be held at the
1020 location provided in the association bylaws and, if the bylaws
1021 are silent as to the location, the meeting must be held within
1022 45 miles of the condominium property. However, such distance
1023 requirement does not apply to an association governing a
1024 timeshare condominium.

1025 2. Unless the bylaws provide otherwise, a vacancy on the



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1026 board caused by the expiration of a director's term must be
1027 filled by electing a new board member, and the election must be
1028 by secret ballot. An election is not required if the number of
1029 vacancies equals or exceeds the number of candidates. For
1030 purposes of this paragraph, the term "candidate" means an
1031 eligible person who has timely submitted the written notice, as
1032 described in sub-subparagraph 4.a., of his or her intention to
1033 become a candidate. Except in a timeshare or nonresidential
1034 condominium, or if the staggered term of a board member does not
1035 expire until a later annual meeting, or if all members' terms
1036 would otherwise expire but there are no candidates, the terms of
1037 all board members expire at the annual meeting, and such members
1038 may stand for reelection unless prohibited by the bylaws. Board
1039 members may serve terms longer than 1 year if permitted by the
1040 bylaws or articles of incorporation. A board member may not
1041 serve more than 8 consecutive years unless approved by an
1042 affirmative vote of unit owners representing two-thirds of all
1043 votes cast in the election or unless there are not enough
1044 eligible candidates to fill the vacancies on the board at the
1045 time of the vacancy. Only board service that occurs on or after
1046 July 1, 2018, may be used when calculating a board member's term
1047 limit. If the number of board members whose terms expire at the
1048 annual meeting equals or exceeds the number of candidates, the
1049 candidates become members of the board effective upon the
1050 adjournment of the annual meeting. Unless the bylaws provide
1051 otherwise, any remaining vacancies shall be filled by the
1052 affirmative vote of the majority of the directors making up the
1053 newly constituted board even if the directors constitute less
1054 than a quorum or there is only one director. In a residential



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1055 condominium association of more than 10 units or in a
1056 residential condominium association that does not include
1057 timeshare units or timeshare interests, co-owners of a unit may
1058 not serve as members of the board of directors at the same time
1059 unless they own more than one unit or unless there are not
1060 enough eligible candidates to fill the vacancies on the board at
1061 the time of the vacancy. A unit owner in a residential
1062 condominium desiring to be a candidate for board membership must
1063 comply with sub-subparagraph 4.a. and must be eligible to be a
1064 candidate to serve on the board of directors at the time of the
1065 deadline for submitting a notice of intent to run in order to
1066 have his or her name listed as a proper candidate on the ballot
1067 or to serve on the board. A person who has been suspended or
1068 removed by the division under this chapter, or who is delinquent
1069 in the payment of any assessment due to the association, is not
1070 eligible to be a candidate for board membership and may not be
1071 listed on the ballot. For purposes of this paragraph, a person
1072 is delinquent if a payment is not made by the due date as
1073 specifically identified in the declaration of condominium,
1074 bylaws, or articles of incorporation. If a due date is not
1075 specifically identified in the declaration of condominium,
1076 bylaws, or articles of incorporation, the due date is the first
1077 day of the assessment period. A person who has been convicted of
1078 any felony in this state or in a United States District or
1079 Territorial Court, or who has been convicted of any offense in
1080 another jurisdiction which would be considered a felony if
1081 committed in this state, is not eligible for board membership
1082 unless such felon's civil rights have been restored for at least
1083 5 years as of the date such person seeks election to the board.



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1084 The validity of an action by the board is not affected if it is
1085 later determined that a board member is ineligible for board
1086 membership due to having been convicted of a felony. This
1087 subparagraph does not limit the term of a member of the board of
1088 a nonresidential or timeshare condominium.

1089 3. The bylaws must provide the method of calling meetings
1090 of unit owners, including annual meetings. Written notice of an
1091 annual meeting must include an agenda; be mailed, hand
1092 delivered, or electronically transmitted to each unit owner at
1093 least 14 days before the annual meeting; and be posted in a
1094 conspicuous place on the condominium property or association
1095 property at least 14 continuous days before the annual meeting.
1096 Written notice of a meeting other than an annual meeting must
1097 include an agenda; be mailed, hand delivered, or electronically
1098 transmitted to each unit owner; and be posted in a conspicuous
1099 place on the condominium property or association property within
1100 the timeframe specified in the bylaws. If the bylaws do not
1101 specify a timeframe for written notice of a meeting other than
1102 an annual meeting, notice must be provided at least 14
1103 continuous days before the meeting. Upon notice to the unit
1104 owners, the board shall, by duly adopted rule, designate a
1105 specific location on the condominium property or association
1106 property where all notices of unit owner meetings must be
1107 posted. This requirement does not apply if there is no
1108 condominium property for posting notices. In lieu of, or in
1109 addition to, the physical posting of meeting notices, the
1110 association may, by reasonable rule, adopt a procedure for
1111 conspicuously posting and repeatedly broadcasting the notice and
1112 the agenda on a closed-circuit cable television system serving



1113 the condominium association. However, if broadcast notice is
1114 used in lieu of a notice posted physically on the condominium
1115 property, the notice and agenda must be broadcast at least four
1116 times every broadcast hour of each day that a posted notice is
1117 otherwise required under this section. If broadcast notice is
1118 provided, the notice and agenda must be broadcast in a manner
1119 and for a sufficient continuous length of time so as to allow an
1120 average reader to observe the notice and read and comprehend the
1121 entire content of the notice and the agenda. In addition to any
1122 of the authorized means of providing notice of a meeting of the
1123 board, the association may, by rule, adopt a procedure for
1124 conspicuously posting the meeting notice and the agenda on a
1125 website serving the condominium association for at least the
1126 minimum period of time for which a notice of a meeting is also
1127 required to be physically posted on the condominium property.
1128 Any rule adopted shall, in addition to other matters, include a
1129 requirement that the association send an electronic notice in
1130 the same manner as a notice for a meeting of the members, which
1131 must include a hyperlink to the website where the notice is
1132 posted, to unit owners whose e-mail addresses are included in
1133 the association's official records. Unless a unit owner waives
1134 in writing the right to receive notice of the annual meeting,
1135 such notice must be hand delivered, mailed, or electronically
1136 transmitted to each unit owner. Notice for meetings and notice
1137 for all other purposes must be mailed to each unit owner at the
1138 address last furnished to the association by the unit owner, or
1139 hand delivered to each unit owner. However, if a unit is owned
1140 by more than one person, the association must provide notice to
1141 the address that the developer identifies for that purpose and



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1142 thereafter as one or more of the owners of the unit advise the
1143 association in writing, or if no address is given or the owners
1144 of the unit do not agree, to the address provided on the deed of
1145 record. An officer of the association, or the manager or other
1146 person providing notice of the association meeting, must provide
1147 an affidavit or United States Postal Service certificate of
1148 mailing, to be included in the official records of the
1149 association affirming that the notice was mailed or hand
1150 delivered in accordance with this provision.

1151 4. The members of the board of a residential condominium
1152 shall be elected by written ballot or voting machine. Proxies
1153 may not be used in electing the board in general elections or
1154 elections to fill vacancies caused by recall, resignation, or
1155 otherwise, unless otherwise provided in this chapter. This
1156 subparagraph does not apply to an association governing a
1157 timeshare condominium.

1158 a. At least 60 days before a scheduled election, the
1159 association shall mail, deliver, or electronically transmit, by
1160 separate association mailing or included in another association
1161 mailing, delivery, or transmission, including regularly
1162 published newsletters, to each unit owner entitled to a vote, a
1163 first notice of the date of the election. A unit owner or other
1164 eligible person desiring to be a candidate for the board must
1165 give written notice of his or her intent to be a candidate to
1166 the association at least 40 days before a scheduled election.
1167 Together with the written notice and agenda as set forth in
1168 subparagraph 3., the association shall mail, deliver, or
1169 electronically transmit a second notice of the election to all
1170 unit owners entitled to vote, together with a ballot that lists



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1171 all candidates not less than 14 days or more than 34 days before
1172 the date of the election. Upon request of a candidate, an
1173 information sheet, no larger than 8 1/2 inches by 11 inches,
1174 which must be furnished by the candidate at least 35 days before
1175 the election, must be included with the mailing, delivery, or
1176 transmission of the ballot, with the costs of mailing, delivery,
1177 or electronic transmission and copying to be borne by the
1178 association. The association is not liable for the contents of
1179 the information sheets prepared by the candidates. In order to
1180 reduce costs, the association may print or duplicate the
1181 information sheets on both sides of the paper. The division
1182 shall by rule establish voting procedures consistent with this
1183 sub-subparagraph, including rules establishing procedures for
1184 giving notice by electronic transmission and rules providing for
1185 the secrecy of ballots. Elections shall be decided by a
1186 plurality of ballots cast. There is no quorum requirement;
1187 however, at least 20 percent of the eligible voters must cast a
1188 ballot in order to have a valid election. A unit owner may not
1189 authorize any other person to vote his or her ballot, and any
1190 ballots improperly cast are invalid. A unit owner who violates
1191 this provision may be fined by the association in accordance
1192 with s. 718.303. A unit owner who needs assistance in casting
1193 the ballot for the reasons stated in s. 101.051 may obtain such
1194 assistance. The regular election must occur on the date of the
1195 annual meeting. Notwithstanding this sub-subparagraph, an
1196 election is not required unless more candidates file notices of
1197 intent to run or are nominated than board vacancies exist.

1198 b. A director of a ~~Within 90 days after being elected or~~
1199 ~~appointed to the~~ board of an association of a residential



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1200 condominium, ~~each newly elected or appointed director shall:~~

1201 (I) Certify in writing to the secretary of the association
1202 that he or she has read the association's declaration of
1203 condominium, articles of incorporation, bylaws, and current
1204 written policies; that he or she will work to uphold such
1205 documents and policies to the best of his or her ability; and
1206 that he or she will faithfully discharge his or her fiduciary
1207 responsibility to the association's members. ~~In lieu of this~~
1208 ~~written certification, within 90 days after being elected or~~
1209 ~~appointed to the board, the newly elected or appointed director~~
1210 ~~may~~

1211 (II) Submit to the secretary of the association a
1212 certificate of having satisfactorily completed the educational
1213 curriculum administered by a division-approved condominium
1214 education provider within 1 year before or 90 days after the
1215 date of election or appointment. The education curriculum must
1216 be least 4 hours long and address director and officer fiduciary
1217 duty, milestone inspections under s. 553.899, structural
1218 integrity reserve studies, and at least four of the following
1219 topics: budgets and reserves, elections, financial reporting,
1220 condominium operations, records maintenance, including unit
1221 owner access to records, dispute resolution, and bids and
1222 contracts.

1223
1224 Each newly elected or appointed director must submit the written
1225 certification and educational certificate to the secretary of
1226 the association within 1 year before being elected or appointed
1227 or within 90 days after the date of election or appointment. A
1228 director of an association of a residential condominium who was



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1229 elected or appointed before July 1, 2024, shall comply with the
1230 written certification and educational certificate requirements
1231 in this sub-subparagraph by June 30, 2025. The written
1232 certification and ~~or~~ educational certificate is valid for 7
1233 years from the date of issuance and does not have to be
1234 resubmitted as long as the director serves on the board without
1235 interruption during the 7-year period. A director who is
1236 appointed by the developer may satisfy the educational
1237 certificate requirement in sub-sub-subparagraph (II) for any
1238 subsequent appointment to a board by a developer within 7 years
1239 after the date of issuance of the most recent educational
1240 certificate, including any interruption of service on a board or
1241 an appointment to a board in another association within that 7-
1242 year period. Additionally, one year after submission of the most
1243 recent written certification and educational certificate, and
1244 annually thereafter, a director of an association of a
1245 residential condominium must submit to the secretary of the
1246 association a certificate of having satisfactorily completed an
1247 educational curriculum administered by a division-approved
1248 condominium education provider, relating to any recent changes
1249 to this chapter and the related administrative rules during the
1250 past year. The cost of a required educational curriculum and
1251 certificate is an expense of the association which the
1252 association may pay on behalf of the director or reimburse the
1253 director for his or her expense. A director of an association of
1254 a residential condominium who fails to timely file the written
1255 certification and ~~or~~ educational certificate is suspended from
1256 service on the board until he or she complies with this sub-
1257 subparagraph. The board may temporarily fill the vacancy during



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1258 the period of suspension. The secretary shall cause the
1259 association to retain a director's written certification and ~~or~~
1260 educational certificate for inspection by the members for 7 ~~5~~
1261 years after a director's election or the duration of the
1262 director's uninterrupted tenure, whichever is longer. Failure to
1263 have such written certification and ~~or~~ educational certificate
1264 on file does not affect the validity of any board action.

1265 c. Any challenge to the election process must be commenced
1266 within 60 days after the election results are announced.

1267 5. Any approval by unit owners called for by this chapter
1268 or the applicable declaration or bylaws, including, but not
1269 limited to, the approval requirement in s. 718.111(8), must be
1270 made at a duly noticed meeting of unit owners and is subject to
1271 all requirements of this chapter or the applicable condominium
1272 documents relating to unit owner decisionmaking, except that
1273 unit owners may take action by written agreement, without
1274 meetings, on matters for which action by written agreement
1275 without meetings is expressly allowed by the applicable bylaws
1276 or declaration or any law that provides for such action.

1277 6. Unit owners may waive notice of specific meetings if
1278 allowed by the applicable bylaws or declaration or any law.
1279 Notice of meetings of the board of administration; unit owner
1280 meetings, except unit owner meetings called to recall board
1281 members under paragraph (1); and committee meetings may be given
1282 by electronic transmission to unit owners who consent to receive
1283 notice by electronic transmission. A unit owner who consents to
1284 receiving notices by electronic transmission is solely
1285 responsible for removing or bypassing filters that block receipt
1286 of mass e-mails sent to members on behalf of the association in



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1287 the course of giving electronic notices.

1288 7. Unit owners have the right to participate in meetings of
1289 unit owners with reference to all designated agenda items.
1290 However, the association may adopt reasonable rules governing
1291 the frequency, duration, and manner of unit owner participation.

1292 8. A unit owner may tape record or videotape a meeting of
1293 the unit owners subject to reasonable rules adopted by the
1294 division.

1295 9. Unless otherwise provided in the bylaws, any vacancy
1296 occurring on the board before the expiration of a term may be
1297 filled by the affirmative vote of the majority of the remaining
1298 directors, even if the remaining directors constitute less than
1299 a quorum, or by the sole remaining director. In the alternative,
1300 a board may hold an election to fill the vacancy, in which case
1301 the election procedures must conform to sub-subparagraph 4.a.
1302 unless the association governs 10 units or fewer and has opted
1303 out of the statutory election process, in which case the bylaws
1304 of the association control. Unless otherwise provided in the
1305 bylaws, a board member appointed or elected under this section
1306 shall fill the vacancy for the unexpired term of the seat being
1307 filled. Filling vacancies created by recall is governed by
1308 paragraph (1) and rules adopted by the division.

1309 10. This chapter does not limit the use of general or
1310 limited proxies, require the use of general or limited proxies,
1311 or require the use of a written ballot or voting machine for any
1312 agenda item or election at any meeting of a timeshare
1313 condominium association or nonresidential condominium
1314 association.

1315



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1316 Notwithstanding subparagraph (b)2. and sub-subparagraph 4.a., an
1317 association of 10 or fewer units may, by affirmative vote of a
1318 majority of the total voting interests, provide for different
1319 voting and election procedures in its bylaws, which may be by a
1320 proxy specifically delineating the different voting and election
1321 procedures. The different voting and election procedures may
1322 provide for elections to be conducted by limited or general
1323 proxy.

1324 (f) *Annual budget.*—

1325 1. The proposed annual budget of estimated revenues and
1326 expenses must be detailed and must show the amounts budgeted by
1327 accounts and expense classifications, including, at a minimum,
1328 any applicable expenses listed in s. 718.504(21). The board
1329 shall adopt the annual budget at least 14 days before the start
1330 of the association's fiscal year. In the event that the board
1331 fails to timely adopt the annual budget a second time, it is
1332 deemed a minor violation and the prior year's budget shall
1333 continue in effect until a new budget is adopted. A
1334 multicondominium association must adopt a separate budget of
1335 common expenses for each condominium the association operates
1336 and must adopt a separate budget of common expenses for the
1337 association. In addition, if the association maintains limited
1338 common elements with the cost to be shared only by those
1339 entitled to use the limited common elements as provided for in
1340 s. 718.113(1), the budget or a schedule attached to it must show
1341 the amount budgeted for this maintenance. If, after turnover of
1342 control of the association to the unit owners, any of the
1343 expenses listed in s. 718.504(21) are not applicable, they do
1344 not need to be listed.



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1345 2.a. In addition to annual operating expenses, the budget
1346 must include reserve accounts for capital expenditures and
1347 planned ~~deferred~~ maintenance. These accounts must include, but
1348 are not limited to, roof replacement, building painting, and
1349 pavement resurfacing, regardless of the amount of planned
1350 ~~deferred~~ maintenance expense or replacement cost, and any other
1351 item that has a planned ~~deferred~~ maintenance expense or
1352 replacement cost that exceeds \$10,000. The amount to be reserved
1353 must be computed using a formula based upon estimated remaining
1354 useful life and estimated replacement cost or planned ~~deferred~~
1355 maintenance expense of the reserve item. In a budget adopted by
1356 an association that is required to obtain a structural integrity
1357 reserve study, reserves must be maintained for the items
1358 identified in paragraph (g) for which the association is
1359 responsible pursuant to the declaration of condominium, and the
1360 reserve amount for such items must be based on the findings and
1361 recommendations of the association's most recent structural
1362 integrity reserve study. With respect to items for which an
1363 estimate of useful life is not readily ascertainable or with an
1364 estimated remaining useful life of greater than 25 years, an
1365 association is not required to reserve replacement costs for
1366 such items, but an association must reserve the amount of
1367 planned ~~deferred~~ maintenance expense, if any, which is
1368 recommended by the structural integrity reserve study for such
1369 items. The association may adjust replacement reserve
1370 assessments annually to take into account an inflation
1371 adjustment and any changes in estimates or extension of the
1372 useful life of a reserve item caused by planned ~~deferred~~
1373 maintenance. The members of a unit-owner-controlled association



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1374 may determine, by a majority vote of the total voting interests
1375 of the association, to provide no reserves or less reserves than
1376 required by this subsection. For a budget adopted on or after
1377 December 31, 2024, the members of a unit-owner-controlled
1378 association that must obtain a structural integrity reserve
1379 study may not determine to provide no reserves or less reserves
1380 than required by this subsection for items listed in paragraph
1381 (g), except that members of an association operating a
1382 multicondominium may determine to provide no reserves or less
1383 reserves than required by this subsection if an alternative
1384 funding method has been approved by the division. If the local
1385 building official, as defined in s. 468.603, determines that the
1386 entire condominium building is uninhabitable due to a natural
1387 emergency, as defined in s. 252.34, the board, upon the approval
1388 of a majority of its members, may pause the contribution to its
1389 reserves or reduce reserve funding until the local building
1390 official determines that the condominium building is habitable.
1391 Any reserve account funds held by the association may be
1392 expended, pursuant to the board's determination, to make the
1393 condominium building and its structures habitable. Upon the
1394 determination by the local building official that the
1395 condominium building and its structures are habitable, the
1396 association must immediately resume contributing funds to its
1397 reserves.

1398 b. Before turnover of control of an association by a
1399 developer to unit owners other than a developer under s.
1400 718.301, the developer-controlled association may not vote to
1401 waive the reserves or reduce funding of the reserves. If a
1402 meeting of the unit owners has been called to determine whether



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1403 to waive or reduce the funding of reserves and no such result is
1404 achieved or a quorum is not attained, the reserves included in
1405 the budget shall go into effect. After the turnover, the
1406 developer may vote its voting interest to waive or reduce the
1407 funding of reserves.

1408 3. Reserve funds and any interest accruing thereon shall
1409 remain in the reserve account or accounts, and may be used only
1410 for authorized reserve expenditures unless their use for other
1411 purposes is approved in advance by a majority vote of all the
1412 total voting interests of the association. Before turnover of
1413 control of an association by a developer to unit owners other
1414 than the developer pursuant to s. 718.301, the developer-
1415 controlled association may not vote to use reserves for purposes
1416 other than those for which they were intended. For a budget
1417 adopted on or after December 31, 2024, members of a unit-owner-
1418 controlled association that must obtain a structural integrity
1419 reserve study may not vote to use reserve funds, or any interest
1420 accruing thereon, for any other purpose other than the
1421 replacement or planned ~~deferred~~ maintenance costs of the
1422 components listed in paragraph (g).

1423 4. The only voting interests that are eligible to vote on
1424 questions that involve waiving or reducing the funding of
1425 reserves, or using existing reserve funds for purposes other
1426 than purposes for which the reserves were intended, are the
1427 voting interests of the units subject to assessment to fund the
1428 reserves in question. Proxy questions relating to waiving or
1429 reducing the funding of reserves or using existing reserve funds
1430 for purposes other than purposes for which the reserves were
1431 intended must contain the following statement in capitalized,



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1432 bold letters in a font size larger than any other used on the
1433 face of the proxy ballot: WAIVING OF RESERVES, IN WHOLE OR IN
1434 PART, OR ALLOWING ALTERNATIVE USES OF EXISTING RESERVES MAY
1435 RESULT IN UNIT OWNER LIABILITY FOR PAYMENT OF UNANTICIPATED
1436 SPECIAL ASSESSMENTS REGARDING THOSE ITEMS.

1437 (g) *Structural integrity reserve study.*—

1438 1. A residential condominium association must have a
1439 structural integrity reserve study completed at least every 10
1440 years after the condominium's creation for each building on the
1441 condominium property that is three stories or higher in height,
1442 as determined by the Florida Building Code, which includes, at a
1443 minimum, a study of the following items as related to the
1444 structural integrity and safety of the building:

1445 a. Roof.

1446 b. Structure, including load-bearing walls and other
1447 primary structural members and primary structural systems as
1448 those terms are defined in s. 627.706.

1449 c. Fireproofing and fire protection systems.

1450 d. Plumbing.

1451 e. Electrical systems.

1452 f. Waterproofing and exterior painting.

1453 g. Windows and exterior doors.

1454 h. Any other item that has a planned ~~deferred~~ maintenance
1455 expense or replacement cost that exceeds \$10,000 and the failure
1456 to replace or maintain such item negatively affects the items
1457 listed in sub-subparagraphs a.-g., as determined by the visual
1458 inspection portion of the structural integrity reserve study.

1459 2. A structural integrity reserve study is based on a
1460 visual inspection of the condominium property. A structural



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1461 integrity reserve study may be performed by any person qualified
1462 to perform such study. However, the visual inspection portion of
1463 the structural integrity reserve study must be performed or
1464 verified by an engineer licensed under chapter 471, an architect
1465 licensed under chapter 481, or a person certified as a reserve
1466 specialist or professional reserve analyst by the Community
1467 Associations Institute or the Association of Professional
1468 Reserve Analysts.

1469 3. At a minimum, a structural integrity reserve study must
1470 identify each item of the condominium property being visually
1471 inspected, state the estimated remaining useful life and the
1472 estimated replacement cost or planned ~~deferred~~ maintenance
1473 expense of each item of the condominium property being visually
1474 inspected, and provide a reserve funding schedule with a
1475 recommended annual reserve amount that achieves the estimated
1476 replacement cost or planned ~~deferred~~ maintenance expense of each
1477 item of condominium property being visually inspected by the end
1478 of the estimated remaining useful life of the item. The
1479 structural integrity reserve study may recommend that reserves
1480 do not need to be maintained for any item for which an estimate
1481 of useful life and an estimate of replacement cost cannot be
1482 determined, or the study may recommend a planned ~~deferred~~
1483 maintenance expense amount for such item. The structural
1484 integrity reserve study may recommend that reserves for
1485 replacement costs do not need to be maintained for any item with
1486 an estimated remaining useful life of greater than 25 years, but
1487 the study may recommend a planned ~~deferred~~ maintenance expense
1488 amount for such item. If the condominium building or units are
1489 unsafe and uninhabitable due to substantial damage or loss as



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1490 determined by the local enforcement agency, as defined in s.
1491 533.71(5), and it is in the best interests of the association to
1492 use revenues and existing reserve funds to perform necessary
1493 repairs to make the building safe and habitable, the structural
1494 integrity reserve study may recommend a temporary pause in
1495 reserve funding or reduced reserve funding, but the association
1496 may not pause reserve funding after the building has been
1497 declared safe for occupancy by the local enforcement agency.

1498 4. This paragraph does not apply to buildings less than
1499 three stories in height; single-family, two-family, ~~or~~ three-
1500 family, or four-family dwellings with three or fewer habitable
1501 stories above ground; any portion or component of a building
1502 that has not been submitted to the condominium form of
1503 ownership; or any portion or component of a building that is
1504 maintained by a party other than the association.

1505 5. Before a developer turns over control of an association
1506 to unit owners other than the developer, the developer must have
1507 a turnover inspection report in compliance with s. 718.301(4)(p)
1508 and (q) for each building on the condominium property that is
1509 three stories or higher in height.

1510 6. Associations existing on or before July 1, 2022, which
1511 are controlled by unit owners other than the developer, must
1512 have a structural integrity reserve study completed by December
1513 31, 2024, for each building on the condominium property that is
1514 three stories or higher in height. An association that is
1515 required to complete a milestone inspection in accordance with
1516 s. 553.899 on or before December 31, 2026, may complete the
1517 structural integrity reserve study simultaneously with the
1518 milestone inspection. In no event may the structural integrity



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1519 reserve study be completed after December 31, 2026.

1520 7. If the milestone inspection required by s. 553.899, or
1521 an inspection completed for a similar local requirement, was
1522 performed within the past 5 years and meets the requirements of
1523 this paragraph, such inspection may be used in place of the
1524 visual inspection portion of the structural integrity reserve
1525 study.

1526 8. If the officers or directors of an association willfully
1527 and knowingly fail to complete a structural integrity reserve
1528 study pursuant to this paragraph, such failure is a breach of an
1529 officer's and director's fiduciary relationship to the unit
1530 owners under s. 718.111(1).

1531 9. Within 45 days after receiving the structural integrity
1532 reserve study, the association must distribute a copy of the
1533 study to each unit owner or deliver to each unit owner a notice
1534 that the completed study is available for inspection and copying
1535 upon a written request. Distribution of a copy of the study or
1536 notice must be made by United States mail or personal delivery
1537 at the mailing address, property address, or any other address
1538 of the owner provided to fulfill the association's notice
1539 requirements under this chapter, or by electronic transmission
1540 to the e-mail address or facsimile number provided to fulfill
1541 the association's notice requirements to unit owners who
1542 previously consented to receive notice by electronic
1543 transmission.

1544 (q) *Director or officer offenses.*—

1545 1. A director or an officer charged by information or
1546 indictment with any of the following crimes is deemed removed
1547 from office and a vacancy declared:



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1548 a. Forgery of a ballot envelope or voting certificate used
1549 in a condominium association election as provided in s. 831.01.

1550 b. Theft or embezzlement involving the association's funds
1551 or property as provided in s. 812.014.

1552 c. Destruction of, or the refusal to allow inspection or
1553 copying of, an official record of a condominium association
1554 which is accessible to unit owners within the time periods
1555 required by general law, in furtherance of any crime. Such act
1556 constitutes tampering with physical evidence as provided in s.
1557 918.13.

1558 d. Obstruction of justice under chapter 843.

1559 e. Any criminal violation under this chapter.

1560 2. The board shall fill the vacancy in accordance with
1561 paragraph (2) (d) ~~a felony theft or embezzlement offense~~
1562 ~~involving the association's funds or property must be removed~~
1563 ~~from office, creating a vacancy in the office to be filled~~
1564 ~~according to law~~ until the end of the period of the suspension
1565 or the end of the director's term of office, whichever occurs
1566 first. While such director or officer has such criminal charge
1567 pending, he or she may not be appointed or elected to a position
1568 as a director or an officer of any association and may not have
1569 access to the official records of any association, except
1570 pursuant to a court order. However, if the charges are resolved
1571 without a finding of guilt, the director or officer shall be
1572 reinstated for the remainder of his or her term of office, if
1573 any.

1574 (r) *Fraudulent voting activities relating to association*
1575 *elections; penalties.*

1576 1. A person who engages in the following acts of fraudulent



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1577 voting activity relating to association elections commits a
1578 misdemeanor of the first degree, punishable as provided in s.
1579 775.082 or s. 775.083:

1580 a. Willfully and falsely swearing to or affirming an oath
1581 or affirmation, or willfully procuring another person to falsely
1582 swear to or affirm an oath or affirmation, in connection with or
1583 arising out of voting activities.

1584 b. Perpetrating or attempting to perpetrate, or aiding in
1585 the perpetration of, fraud in connection with a vote cast, to be
1586 cast, or attempted to be cast.

1587 c. Preventing a member from voting or preventing a member
1588 from voting as he or she intended by fraudulently changing or
1589 attempting to change a ballot, ballot envelope, vote, or voting
1590 certificate of the member.

1591 d. Menacing, threatening, or using bribery or any other
1592 corruption to attempt, directly or indirectly, to influence,
1593 deceive, or deter a member when the member is voting.

1594 e. Giving or promising, directly or indirectly, anything of
1595 value to another member with the intent to buy the vote of that
1596 member or another member or to corruptly influence that member
1597 or another member in casting his or her vote. This subsection
1598 does not apply to any food served which is to be consumed at an
1599 election rally or a meeting or to any item of nominal value
1600 which is used as an election advertisement, including a campaign
1601 message designed to be worn by a member.

1602 f. Using or threatening to use, directly or indirectly,
1603 force, violence, or intimidation or any tactic of coercion or
1604 intimidation to induce or compel a member to vote or refrain
1605 from voting in an election or on a particular ballot measure.



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1606 2. Each of the following acts constitutes a misdemeanor of
1607 the first degree, punishable as provided in s. 775.082 or s.
1608 775.083:

1609 a. Knowingly aiding, abetting, or advising a person in the
1610 commission of a fraudulent voting activity related to
1611 association elections.

1612 b. Agreeing, conspiring, combining, or confederating with
1613 at least one other person to commit a fraudulent voting activity
1614 related to association elections.

1615 c. Having knowledge of a fraudulent voting activity related
1616 to association elections and giving any aid to the offender with
1617 intent that the offender avoid or escape detection, arrest,
1618 trial, or punishment.

1619
1620 This subparagraph does not apply to a licensed attorney giving
1621 legal advice to a client.

1622 3. Any person charged by information or indictment for any
1623 of the crimes in this paragraph shall be deemed removed from
1624 office and a vacancy declared.

1625 Section 11. Subsection (5) of section 718.113, Florida
1626 Statutes, is amended to read:

1627 718.113 Maintenance; limitation upon improvement; display
1628 of flag; hurricane ~~shutters~~ and protection; display of religious
1629 decorations.-

1630 (5) To protect the health, safety, and welfare of the
1631 people of this state and to ensure uniformity and consistency in
1632 the hurricane protections installed by condominium associations
1633 and unit owners, this subsection applies to all residential and
1634 mixed-use condominiums in this state, regardless of when the



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1635 condominium is created pursuant to the declaration of
1636 condominium. Each board of administration of a residential
1637 condominium or mixed-use condominium shall adopt hurricane
1638 protection ~~shutter~~ specifications for each building within each
1639 condominium operated by the association which may ~~shall~~ include
1640 color, style, and other factors deemed relevant by the board.
1641 All specifications adopted by the board must comply with the
1642 applicable building code. The installation, maintenance, repair,
1643 replacement, and operation of hurricane protection in accordance
1644 with this subsection is not considered a material alteration or
1645 substantial addition to the common elements or association
1646 property within the meaning of this section.

1647 (a) The board may, subject to s. 718.3026 and the approval
1648 of a majority of voting interests of the residential condominium
1649 or mixed-use condominium, install or require that unit owners
1650 install hurricane ~~shutters, impact glass, code-compliant windows~~
1651 or doors, or other types of code-compliant hurricane protection
1652 that complies ~~comply~~ with or exceeds ~~exceed~~ the applicable
1653 building code. A vote of the unit owners to require the
1654 installation of hurricane protection must be set forth in a
1655 certificate attesting to such vote and include the date that the
1656 hurricane protection must be installed. The board must record
1657 the certificate in the public records of the county where the
1658 condominium is located. The certificate must include the
1659 recording data identifying the declaration of condominium and
1660 must be executed in the form required for the execution of a
1661 deed. Once the certificate is recorded, the board must mail or
1662 hand deliver a copy of the recorded certificate to the unit
1663 owners at the owners' addresses, as reflected in the records of



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1664 the association. The board may provide a copy of the recorded
1665 certificate by electronic transmission to unit owners who
1666 previously consented to receive notice by electronic
1667 transmission. The failure to record the certificate or send a
1668 copy of the recorded certificate to the unit owners does not
1669 affect the validity or enforceability of the vote of the unit
1670 owners. However, A vote of the unit owners under this paragraph
1671 is not required if the installation, maintenance, repair, and
1672 replacement of the hurricane shutters, impact glass, code-
1673 compliant windows or doors, or other types of code-compliant
1674 hurricane protection, or any exterior windows, doors, or other
1675 apertures protected by the hurricane protection, is are the
1676 responsibility of the association pursuant to the declaration of
1677 condominium as originally recorded or as amended, or if the unit
1678 owners are required to install hurricane protection pursuant to
1679 the declaration of condominium as originally recorded or as
1680 amended. If hurricane protection or laminated glass or window
1681 film architecturally designed to function as hurricane
1682 protection that complies with or exceeds the current applicable
1683 building code has been previously installed, the board may not
1684 install the same type of hurricane shutters, impact glass, code-
1685 compliant windows or doors, or other types of code-compliant
1686 hurricane protection or require that unit owners install the
1687 same type of hurricane protection unless the installed hurricane
1688 protection has reached the end of its useful life or unless it
1689 is necessary to prevent damage to the common elements or to a
1690 unit except upon approval by a majority vote of the voting
1691 interests.

1692 ~~(b) The association is responsible for the maintenance,~~



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1693 ~~repair, and replacement of the hurricane shutters, impact glass,~~
1694 ~~code-compliant windows or doors, or other types of code-~~
1695 ~~compliant hurricane protection authorized by this subsection if~~
1696 ~~such property is the responsibility of the association pursuant~~
1697 ~~to the declaration of condominium. If the hurricane shutters,~~
1698 ~~impact glass, code-compliant windows or doors, or other types of~~
1699 ~~code-compliant hurricane protection are the responsibility of~~
1700 ~~the unit owners pursuant to the declaration of condominium, the~~
1701 ~~maintenance, repair, and replacement of such items are the~~
1702 ~~responsibility of the unit owner.~~

1703 ~~(b)(c)~~ The board may operate shutters, impact glass, code-
1704 ~~compliant windows or doors, or other types of code-compliant~~
1705 ~~hurricane protection installed pursuant to this subsection~~
1706 ~~without permission of the unit owners only if such operation is~~
1707 ~~necessary to preserve and protect the condominium property or~~
1708 ~~and association property. The installation, replacement,~~
1709 ~~operation, repair, and maintenance of such shutters, impact~~
1710 ~~glass, code-compliant windows or doors, or other types of code-~~
1711 ~~compliant hurricane protection in accordance with the procedures~~
1712 ~~set forth in this paragraph are not a material alteration to the~~
1713 ~~common elements or association property within the meaning of~~
1714 ~~this section.~~

1715 ~~(c)(d)~~ Notwithstanding any other provision in the
1716 ~~residential condominium or mixed-use condominium documents, if~~
1717 ~~approval is required by the documents, a board may not refuse to~~
1718 ~~approve the installation or replacement of hurricane shutters,~~
1719 ~~impact glass, code-compliant windows or doors, or other types of~~
1720 ~~code-compliant hurricane protection by a unit owner which~~
1721 ~~conforms ~~conforming~~ to the specifications adopted by the board.~~



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1722 However, a board may require the unit owner to adhere to an
1723 existing unified building scheme regarding the external
1724 appearance of the condominium.

1725 (d) Unless otherwise provided in a declaration of
1726 condominium recorded in the public record before July 1, 2024, a
1727 unit owner is not responsible for the cost of any removal or
1728 reinstallation of hurricane protection, and any exterior window,
1729 door, or other aperture protected by the hurricane protection,
1730 if its removal is necessary for the maintenance, repair, or
1731 replacement of other condominium property or association
1732 property for which the association is responsible. The board
1733 shall determine if the removal or reinstallation of hurricane
1734 protection must be completed by the unit owner or the
1735 association. If such removal or reinstallation is completed by
1736 the association, the costs incurred by the association may not
1737 be charged to the unit owner. If such removal or reinstallation
1738 is completed by the unit owner, the association must reimburse
1739 the unit owner for the cost of the removal or reinstallation or
1740 the association must apply the unit owner's cost of removal or
1741 reinstallation as a credit toward future assessments.

1742 (e) If the removal or installation of hurricane protection
1743 or of any exterior windows, doors, or other apertures protected
1744 by the hurricane protection are the responsibility of the unit
1745 owner, such removal or installation is completed by the
1746 association, and the association then charges the unit owner for
1747 such removal or installation, such charges are enforceable as an
1748 assessment and may be collected in the manner provided under s.
1749 718.116.

1750 Section 12. Paragraph (e) of subsection (1) of section



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1751 718.115, Florida Statutes, is amended to read:
1752 718.115 Common expenses and common surplus.—
1753 (1)
1754 (e) 1. Except as provided in s. 718.113(5) (d) The expense of
1755 installation, replacement, operation, repair, and maintenance of
1756 hurricane shutters, impact glass, code-compliant windows or
1757 doors, or other types of code-compliant hurricane protection by
1758 the board pursuant to s. 718.113(5) constitutes a common expense
1759 and shall be collected as provided in this section if the
1760 association is responsible for the maintenance, repair, and
1761 replacement of the hurricane shutters, impact glass, code-
1762 compliant windows or doors, or other types of code-compliant
1763 hurricane protection pursuant to the declaration of condominium.
1764 However, if the installation of maintenance, repair, and
1765 replacement of the hurricane shutters, impact glass, code-
1766 compliant windows or doors, or other types of code-compliant
1767 hurricane protection is are the responsibility of the unit
1768 owners pursuant to the declaration of condominium or a vote of
1769 the unit owners under s. 718.113(5), the cost of the
1770 installation of the hurricane shutters, impact glass, code-
1771 compliant windows or doors, or other types of code-compliant
1772 hurricane protection by the association is not a common expense
1773 and must shall be charged individually to the unit owners based
1774 on the cost of installation of the hurricane shutters, impact
1775 glass, code-compliant windows or doors, or other types of code-
1776 compliant hurricane protection appurtenant to the unit. The
1777 costs of installation of hurricane protection are enforceable as
1778 an assessment and may be collected in the manner provided under
1779 s. 718.116.



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1780 2. Notwithstanding s. 718.116(9), and regardless of whether
1781 ~~or not~~ the declaration requires the association or unit owners
1782 to install, maintain, repair, or replace ~~hurricane shutters,~~
1783 ~~impact glass, code-compliant windows or doors, or other types of~~
1784 ~~code-compliant~~ hurricane protection, the a-unit owner of a unit
1785 where who has previously installed hurricane shutters in
1786 accordance with s. 718.113(5) that comply with the current
1787 applicable building code shall receive a credit when the
1788 shutters are installed; a unit owner who has previously
1789 installed impact glass or code-compliant windows or doors that
1790 comply with the current applicable building code shall receive a
1791 credit when the impact glass or code-compliant windows or doors
1792 are installed; and a unit owner who has installed other types of
1793 code-compliant hurricane protection that complies ~~comply~~ with
1794 the current applicable building code has been installed is
1795 excused from any assessment levied by the association or shall
1796 receive a credit if when the same type of ~~other code-compliant~~
1797 hurricane protection is installed by the association, ~~and the~~
1798 ~~credit shall be equal to the pro rata portion of the assessed~~
1799 ~~installation cost assigned to each unit. A credit is applicable~~
1800 if the installation of hurricane protection is for all other
1801 units that do not have hurricane protection and the cost of such
1802 installation is funded by the association's budget, including
1803 the use of reserve funds. The credit must be equal to the amount
1804 that the unit owner would have been assessed to install the
1805 hurricane protection. However, such unit owner remains
1806 responsible for the pro rata share of expenses for ~~hurricane~~
1807 ~~shutters, impact glass, code-compliant windows or doors, or~~
1808 ~~other types of code-compliant~~ hurricane protection installed on



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1809 common elements and association property by the board pursuant
1810 to s. 718.113(5) and remains responsible for a pro rata share of
1811 the expense of the replacement, operation, repair, and
1812 maintenance of such ~~shutters, impact glass, code-compliant~~
1813 ~~windows or doors, or other types of code-compliant~~ hurricane
1814 protection. Expenses for the installation, replacement,
1815 operation, repair, or maintenance of hurricane protection on
1816 common elements and association property are common expenses.

1817 Section 13. Paragraph (a) of subsection (4) of section
1818 718.121, Florida Statutes, is amended to read:

1819 718.121 Liens.—

1820 (4) (a) If an association sends out an invoice for
1821 assessments or a unit's statement of the account described in s.
1822 718.111(12) (a)11.c. s. ~~718.111(12) (a)11.b.~~, the invoice for
1823 assessments or the unit's statement of account must be delivered
1824 to the unit owner by first-class United States mail or by
1825 electronic transmission to the unit owner's e-mail address
1826 maintained in the association's official records.

1827 Section 14. Section 718.1224, Florida Statutes, is amended
1828 to read:

1829 718.1224 Prohibition against SLAPP suits; other prohibited
1830 actions.—

1831 (1) It is the intent of the Legislature to protect the
1832 right of condominium unit owners to exercise their rights to
1833 instruct their representatives and petition for redress of
1834 grievances before their condominium association and the various
1835 governmental entities of this state as protected by the First
1836 Amendment to the United States Constitution and s. 5, Art. I of
1837 the State Constitution. The Legislature recognizes that



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1838 strategic lawsuits against public participation, or "SLAPP
1839 suits," as they are typically referred to, have occurred when
1840 association members are sued by condominium associations,
1841 individuals, business entities, or governmental entities arising
1842 out of a condominium unit owner's appearance and presentation
1843 before the board of the condominium association or a
1844 governmental entity on matters related to the condominium
1845 association. However, it is the public policy of this state that
1846 condominium associations, governmental entities, business
1847 organizations, and individuals not engage in SLAPP suits,
1848 because such actions are inconsistent with the right of
1849 condominium unit owners to participate in their condominium
1850 association and in the state's institutions of government.
1851 Therefore, the Legislature finds and declares that prohibiting
1852 such lawsuits by condominium associations, governmental
1853 entities, business entities, and individuals against condominium
1854 unit owners who address matters concerning their condominium
1855 association will preserve this fundamental state policy,
1856 preserve the constitutional rights of condominium unit owners,
1857 and ensure the continuation of representative government in this
1858 state, and ensure unit owner participation in condominium
1859 associations. It is the intent of the Legislature that such
1860 lawsuits be expeditiously disposed of by the courts. As used in
1861 this subsection, the term "governmental entity" means the state,
1862 including the executive, legislative, and judicial branches of
1863 government; law enforcement agencies; the independent
1864 establishments of the state, counties, municipalities,
1865 districts, authorities, boards, or commissions; or any agencies
1866 of these branches that are subject to chapter 286.



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1867 (2) A condominium association, a governmental entity, a
1868 business organization, or an individual in this state may not
1869 file or cause to be filed through its employees or agents any
1870 lawsuit, cause of action, claim, cross-claim, or counterclaim
1871 against a condominium unit owner without merit and solely
1872 because such condominium unit owner has exercised the right to
1873 instruct his or her representatives or the right to petition for
1874 redress of grievances before the condominium association or the
1875 various governmental entities of this state, as protected by the
1876 First Amendment to the United States Constitution and s. 5, Art.
1877 I of the State Constitution.

1878 (3) A condominium association may not fine,
1879 discriminatorily increase a unit owner's assessments or
1880 discriminatorily decrease services to a unit owner, or bring or
1881 threaten to bring an action for possession or other civil
1882 action, including a defamation, libel, slander, or tortious
1883 interference action, based on conduct described in paragraphs
1884 (a)-(f). In order for the unit owner to raise the defense of
1885 retaliatory conduct, the unit owner must have acted in good
1886 faith and not for any improper purposes, such as to harass or to
1887 cause unnecessary delay or for frivolous purpose or needless
1888 increase in the cost of litigation. Examples of conduct for
1889 which a condominium association, officer, director, or agent of
1890 an association may not retaliate include, but are not limited
1891 to, situations where:

1892 (a) The unit owner has in good faith complained to a
1893 governmental agency charged with responsibility for enforcement
1894 of a building, housing, or health code of a suspected violation
1895 applicable to the condominium;



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1896 (b) The unit owner has organized, encouraged, or
1897 participated in a unit owners' organization;

1898 (c) The unit owner submitted information or filed a
1899 complaint alleging criminal violations or violations of this
1900 chapter or the rules of the division with the division, the
1901 Office of the Condominium Ombudsman, a law enforcement agency, a
1902 state attorney, the Attorney General, or any other governmental
1903 agency;

1904 (d) The unit owner has exercised his or her rights under
1905 this chapter;

1906 (e) The unit owner has complained to the association or any
1907 of its representatives for their failure to comply with this
1908 chapter or chapter 617; or

1909 (f) The unit owner has made public statements critical of
1910 the operation or management of the association.

1911 (4) Evidence of retaliatory conduct may be raised by the
1912 unit owner as a defense in any action brought against him or her
1913 for possession.

1914 (5) A condominium unit owner sued by a condominium
1915 association, governmental entity, business organization, or
1916 individual in violation of this section has a right to an
1917 expeditious resolution of a claim that the suit is in violation
1918 of this section. A condominium unit owner may petition the court
1919 for an order dismissing the action or granting final judgment in
1920 favor of that condominium unit owner. The petitioner may file a
1921 motion for summary judgment, together with supplemental
1922 affidavits, seeking a determination that the condominium
1923 association's, governmental entity's, business organization's,
1924 or individual's lawsuit has been brought in violation of this



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1925 section. The condominium association, governmental entity,
1926 business organization, or individual shall thereafter file its
1927 response and any supplemental affidavits. As soon as
1928 practicable, the court shall set a hearing on the petitioner's
1929 motion, which shall be held at the earliest possible time after
1930 the filing of the condominium association's, governmental
1931 entity's, business organization's, or individual's response. The
1932 court may award the condominium unit owner sued by the
1933 condominium association, governmental entity, business
1934 organization, or individual actual damages arising from the
1935 condominium association's, governmental entity's, individual's,
1936 or business organization's violation of this section. A court
1937 may treble the damages awarded to a prevailing condominium unit
1938 owner and shall state the basis for the treble damages award in
1939 its judgment. The court shall award the prevailing party
1940 reasonable attorney's fees and costs incurred in connection with
1941 a claim that an action was filed in violation of this section.

1942 (6)-(4) Condominium associations may not expend association
1943 funds in prosecuting a SLAPP suit against a condominium unit
1944 owner.

1945 (7) Condominium associations may not expend association
1946 funds in support of a defamation, libel, slander, or tortious
1947 interference action against a unit owner or any other claim
1948 against a unit owner based on conduct described in paragraphs
1949 (3) (a) - (f) .

1950 Section 15. Section 718.128, Florida Statutes, is amended
1951 to read:

1952 718.128 Electronic voting.—The association may conduct
1953 elections and other unit owner votes through an Internet-based



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1954 online voting system if a unit owner consents, electronically or
1955 in writing, to online voting and if the following requirements
1956 are met:

1957 (1) The association provides each unit owner with:

1958 (a) A method to authenticate the unit owner's identity to
1959 the online voting system.

1960 (b) For elections of the board, a method to transmit an
1961 electronic ballot to the online voting system that ensures the
1962 secrecy and integrity of each ballot.

1963 (c) A method to confirm, at least 14 days before the voting
1964 deadline, that the unit owner's electronic device can
1965 successfully communicate with the online voting system.

1966 (2) The association uses an online voting system that is:

1967 (a) Able to authenticate the unit owner's identity.

1968 (b) Able to authenticate the validity of each electronic
1969 vote to ensure that the vote is not altered in transit.

1970 (c) Able to transmit a receipt from the online voting
1971 system to each unit owner who casts an electronic vote.

1972 (d) For elections of the board of administration, able to
1973 permanently separate any authentication or identifying
1974 information from the electronic election ballot, rendering it
1975 impossible to tie an election ballot to a specific unit owner.

1976 (e) Able to store and keep electronic votes accessible to
1977 election officials for recount, inspection, and review purposes.

1978 (3) A unit owner voting electronically pursuant to this
1979 section shall be counted as being in attendance at the meeting
1980 for purposes of determining a quorum. A substantive vote of the
1981 unit owners may not be taken on any issue other than the issues
1982 specifically identified in the electronic vote, when a quorum is



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1983 established based on unit owners voting electronically pursuant
1984 to this section.

1985 (4) This section applies to an association that provides
1986 for and authorizes an online voting system pursuant to this
1987 section by a board resolution. The board resolution must provide
1988 that unit owners receive notice of the opportunity to vote
1989 through an online voting system, must establish reasonable
1990 procedures and deadlines for unit owners to consent,
1991 electronically or in writing, to online voting, and must
1992 establish reasonable procedures and deadlines for unit owners to
1993 opt out of online voting after giving consent. Written notice of
1994 a meeting at which the resolution will be considered must be
1995 mailed, delivered, or electronically transmitted to the unit
1996 owners and posted conspicuously on the condominium property or
1997 association property at least 14 days before the meeting.
1998 Evidence of compliance with the 14-day notice requirement must
1999 be made by an affidavit executed by the person providing the
2000 notice and filed with the official records of the association.

2001 (5) A unit owner's consent to online voting is valid until
2002 the unit owner opts out of online voting according to the
2003 procedures established by the board of administration pursuant
2004 to subsection (4).

2005 (6) This section may apply to any matter that requires a
2006 vote of the unit owners who are not members of a timeshare
2007 condominium association.

2008 Section 16. Paragraph (p) of subsection (4) of section
2009 718.301, Florida Statutes, is amended to read:

2010 718.301 Transfer of association control; claims of defect
2011 by association.—



2012 (4) At the time that unit owners other than the developer
2013 elect a majority of the members of the board of administration
2014 of an association, the developer shall relinquish control of the
2015 association, and the unit owners shall accept control.
2016 Simultaneously, or for the purposes of paragraph (c) not more
2017 than 90 days thereafter, the developer shall deliver to the
2018 association, at the developer's expense, all property of the
2019 unit owners and of the association which is held or controlled
2020 by the developer, including, but not limited to, the following
2021 items, if applicable, as to each condominium operated by the
2022 association:

2023 (p) Notwithstanding when the certificate of occupancy was
2024 issued or the height of the building, a turnover inspection
2025 report included in the official records, under seal of an
2026 architect or engineer authorized to practice in this state or a
2027 person certified as a reserve specialist or professional reserve
2028 analyst by the Community Associations Institute or the
2029 Association of Professional Reserve Analysts, and consisting of
2030 a structural integrity reserve study attesting to required
2031 maintenance, condition, useful life, and replacement costs of
2032 the following applicable condominium property:

- 2033 1. Roof.
- 2034 2. Structure, including load-bearing walls and primary
2035 structural members and primary structural systems as those terms
2036 are defined in s. 627.706.
- 2037 3. Fireproofing and fire protection systems.
- 2038 4. Plumbing.
- 2039 5. Electrical systems.
- 2040 6. Waterproofing and exterior painting.



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2041 7. Windows and exterior doors.
2042 Section 17. Subsections (4) and (5) of section 718.3027,
2043 Florida Statutes, are amended to read:
2044 718.3027 Conflicts of interest.—
2045 (4) A director or an officer, or a relative of a director
2046 or an officer, who is a party to, or has an interest in, an
2047 activity that is a possible conflict of interest, as described
2048 in subsection (1), may attend the meeting at which the activity
2049 is considered by the board and is authorized to make a
2050 presentation to the board regarding the activity. After the
2051 presentation, the director or officer, and any ~~or the~~ relative
2052 of the director or officer, must leave the meeting during the
2053 discussion of, and the vote on, the activity. A director or an
2054 officer who is a party to, or has an interest in, the activity
2055 must recuse himself or herself from the vote. The attendance of
2056 a director with a possible conflict of interest at the meeting
2057 of the board is sufficient to constitute a quorum for the
2058 meeting and the vote in his or her absence on the proposed
2059 activity.
2060 (5) A contract entered into between a director or an
2061 officer, or a relative of a director or an officer, and the
2062 association, which is not a timeshare condominium association,
2063 that has not been properly disclosed as a conflict of interest
2064 or potential conflict of interest as required by this section or
2065 s. 617.0832 ~~s. 718.111(12)(g)~~ is voidable and terminates upon
2066 the filing of a written notice terminating the contract with the
2067 board of directors which contains the consent of at least 20
2068 percent of the voting interests of the association.
2069 Section 18. Subsection (5) of section 718.303, Florida



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2070 Statutes, is amended to read:

2071 718.303 Obligations of owners and occupants; remedies.—

2072 (5) An association may suspend the voting rights of a unit
2073 owner or member due to nonpayment of any fee, fine, or other
2074 monetary obligation due to the association which is more than
2075 \$1,000 and more than 90 days delinquent. Proof of such
2076 obligation must be provided to the unit owner or member 30 days
2077 before such suspension takes effect. Notice of such obligation
2078 must also be provided to the unit owner at least 90 days before
2079 an election. A voting interest or consent right allocated to a
2080 unit owner or member which has been suspended by the association
2081 shall be subtracted from the total number of voting interests in
2082 the association, which shall be reduced by the number of
2083 suspended voting interests when calculating the total percentage
2084 or number of all voting interests available to take or approve
2085 any action, and the suspended voting interests shall not be
2086 considered for any purpose, including, but not limited to, the
2087 percentage or number of voting interests necessary to constitute
2088 a quorum, the percentage or number of voting interests required
2089 to conduct an election, or the percentage or number of voting
2090 interests required to approve an action under this chapter or
2091 pursuant to the declaration, articles of incorporation, or
2092 bylaws. The suspension ends upon full payment of all obligations
2093 currently due or overdue the association. The notice and hearing
2094 requirements under subsection (3) do not apply to a suspension
2095 imposed under this subsection.

2096 Section 19. Subsections (1) and (2) of section 718.501,
2097 Florida Statutes, are amended to read:

2098 718.501 Authority, responsibility, and duties of Division



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2099 of Florida Condominiums, Timeshares, and Mobile Homes.—

2100 (1) The division may enforce and ensure compliance with
2101 this chapter and rules relating to the development,
2102 construction, sale, lease, ownership, operation, and management
2103 of residential condominium units and complaints related to the
2104 procedural completion of milestone inspections under s. 553.899.
2105 In performing its duties, the division has complete jurisdiction
2106 to investigate complaints and enforce compliance with respect to
2107 associations that are still under developer control or the
2108 control of a bulk assignee or bulk buyer pursuant to part VII of
2109 this chapter and complaints against developers, bulk assignees,
2110 or bulk buyers involving improper turnover or failure to
2111 turnover, pursuant to s. 718.301. However, after turnover has
2112 occurred, the division has jurisdiction to investigate
2113 complaints related only to financial issues, elections, and the
2114 maintenance of and unit owner access to association records
2115 under s. 718.111(12), allegations of criminal violations under
2116 this chapter, the removal of a director or an officer under s.
2117 718.112(2)(g), and the procedural completion of structural
2118 integrity reserve studies under s. 718.112(2)(g).

2119 (a)1. The division may make necessary public or private
2120 investigations within or outside this state to determine whether
2121 any person has violated this chapter or any rule or order
2122 hereunder, to aid in the enforcement of this chapter, or to aid
2123 in the adoption of rules or forms.

2124 2. The division may submit any official written report,
2125 worksheet, or other related paper, or a duly certified copy
2126 thereof, compiled, prepared, drafted, or otherwise made by and
2127 duly authenticated by a financial examiner or analyst to be



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2128 admitted as competent evidence in any hearing in which the
2129 financial examiner or analyst is available for cross-examination
2130 and attests under oath that such documents were prepared as a
2131 result of an examination or inspection conducted pursuant to
2132 this chapter.

2133 (b) The division may require or permit any person to file a
2134 statement in writing, under oath or otherwise, as the division
2135 determines, as to the facts and circumstances concerning a
2136 matter to be investigated.

2137 (c) For the purpose of any investigation under this
2138 chapter, the division director or any officer or employee
2139 designated by the division director may administer oaths or
2140 affirmations, subpoena witnesses and compel their attendance,
2141 take evidence, and require the production of any matter which is
2142 relevant to the investigation, including the existence,
2143 description, nature, custody, condition, and location of any
2144 books, documents, or other tangible things and the identity and
2145 location of persons having knowledge of relevant facts or any
2146 other matter reasonably calculated to lead to the discovery of
2147 material evidence. Upon the failure by a person to obey a
2148 subpoena or to answer questions propounded by the investigating
2149 officer and upon reasonable notice to all affected persons, the
2150 division may apply to the circuit court for an order compelling
2151 compliance.

2152 (d) Notwithstanding any remedies available to unit owners
2153 and associations, if the division has reasonable cause to
2154 believe that a violation of any provision of this chapter or
2155 related rule has occurred, the division may institute
2156 enforcement proceedings in its own name against any developer,



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2157 bulk assignee, bulk buyer, association, officer, or member of
2158 the board of administration, or its assignees or agents, as
2159 follows:

2160 1. The division may permit a person whose conduct or
2161 actions may be under investigation to waive formal proceedings
2162 and enter into a consent proceeding whereby orders, rules, or
2163 letters of censure or warning, whether formal or informal, may
2164 be entered against the person.

2165 2. The division may issue an order requiring the developer,
2166 bulk assignee, bulk buyer, association, developer-designated
2167 officer, or developer-designated member of the board of
2168 administration, developer-designated assignees or agents, bulk
2169 assignee-designated assignees or agents, bulk buyer-designated
2170 assignees or agents, community association manager, or community
2171 association management firm to cease and desist from the
2172 unlawful practice and take such affirmative action as in the
2173 judgment of the division carry out the purposes of this chapter.
2174 If the division finds that a developer, bulk assignee, bulk
2175 buyer, association, officer, or member of the board of
2176 administration, or its assignees or agents, is violating or is
2177 about to violate any provision of this chapter, any rule adopted
2178 or order issued by the division, or any written agreement
2179 entered into with the division, and presents an immediate danger
2180 to the public requiring an immediate final order, it may issue
2181 an emergency cease and desist order reciting with particularity
2182 the facts underlying such findings. The emergency cease and
2183 desist order is effective for 90 days. If the division begins
2184 nonemergency cease and desist proceedings, the emergency cease
2185 and desist order remains effective until the conclusion of the



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2186 proceedings under ss. 120.569 and 120.57.

2187 3. If a developer, bulk assignee, or bulk buyer fails to
2188 pay any restitution determined by the division to be owed, plus
2189 any accrued interest at the highest rate permitted by law,
2190 within 30 days after expiration of any appellate time period of
2191 a final order requiring payment of restitution or the conclusion
2192 of any appeal thereof, whichever is later, the division must
2193 bring an action in circuit or county court on behalf of any
2194 association, class of unit owners, lessees, or purchasers for
2195 restitution, declaratory relief, injunctive relief, or any other
2196 available remedy. The division may also temporarily revoke its
2197 acceptance of the filing for the developer to which the
2198 restitution relates until payment of restitution is made.

2199 4. The division may petition the court for appointment of a
2200 receiver or conservator. If appointed, the receiver or
2201 conservator may take action to implement the court order to
2202 ensure the performance of the order and to remedy any breach
2203 thereof. In addition to all other means provided by law for the
2204 enforcement of an injunction or temporary restraining order, the
2205 circuit court may impound or sequester the property of a party
2206 defendant, including books, papers, documents, and related
2207 records, and allow the examination and use of the property by
2208 the division and a court-appointed receiver or conservator.

2209 5. The division may apply to the circuit court for an order
2210 of restitution whereby the defendant in an action brought under
2211 subparagraph 4. is ordered to make restitution of those sums
2212 shown by the division to have been obtained by the defendant in
2213 violation of this chapter. At the option of the court, such
2214 restitution is payable to the conservator or receiver appointed



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2215 under subparagraph 4. or directly to the persons whose funds or
2216 assets were obtained in violation of this chapter.

2217 6. The division may impose a civil penalty against a
2218 developer, bulk assignee, or bulk buyer, or association, or its
2219 assignee or agent, for any violation of this chapter, or related
2220 rule, or chapter 617. The division may impose a civil penalty
2221 individually against an officer or board member who willfully
2222 and knowingly violates this chapter, an adopted rule, or a final
2223 order of the division; may order the removal of such individual
2224 as an officer or from the board of administration or as an
2225 officer of the association; and may prohibit such individual
2226 from serving as an officer or on the board of a community
2227 association for a period of time. The term "willfully and
2228 knowingly" means that the division informed the officer or board
2229 member that his or her action or intended action violates this
2230 chapter, a rule adopted under this chapter, or a final order of
2231 the division and that the officer or board member refused to
2232 comply with the requirements of this chapter, a rule adopted
2233 under this chapter, or a final order of the division. The
2234 division, before initiating formal agency action under chapter
2235 120, must afford the officer or board member an opportunity to
2236 voluntarily comply, and an officer or board member who complies
2237 within 10 days is not subject to a civil penalty. A penalty may
2238 be imposed on the basis of each day of continuing violation, but
2239 the penalty for any offense may not exceed \$5,000. The division
2240 shall adopt, by rule, penalty guidelines applicable to possible
2241 violations or to categories of violations of this chapter or
2242 rules adopted by the division. The guidelines must specify a
2243 meaningful range of civil penalties for each such violation of



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2244 the statute and rules and must be based upon the harm caused by
2245 the violation, upon the repetition of the violation, and upon
2246 such other factors deemed relevant by the division. For example,
2247 the division may consider whether the violations were committed
2248 by a developer, bulk assignee, or bulk buyer, or owner-
2249 controlled association, the size of the association, and other
2250 factors. The guidelines must designate the possible mitigating
2251 or aggravating circumstances that justify a departure from the
2252 range of penalties provided by the rules. It is the legislative
2253 intent that minor violations be distinguished from those which
2254 endanger the health, safety, or welfare of the condominium
2255 residents or other persons and that such guidelines provide
2256 reasonable and meaningful notice to the public of likely
2257 penalties that may be imposed for proscribed conduct. This
2258 subsection does not limit the ability of the division to
2259 informally dispose of administrative actions or complaints by
2260 stipulation, agreed settlement, or consent order. All amounts
2261 collected shall be deposited with the Chief Financial Officer to
2262 the credit of the Division of Florida Condominiums, Timeshares,
2263 and Mobile Homes Trust Fund. If a developer, bulk assignee, or
2264 bulk buyer fails to pay the civil penalty and the amount deemed
2265 to be owed to the association, the division shall issue an order
2266 directing that such developer, bulk assignee, or bulk buyer
2267 cease and desist from further operation until such time as the
2268 civil penalty is paid or may pursue enforcement of the penalty
2269 in a court of competent jurisdiction. If an association fails to
2270 pay the civil penalty, the division shall pursue enforcement in
2271 a court of competent jurisdiction, and the order imposing the
2272 civil penalty or the cease and desist order is not effective



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2273 until 20 days after the date of such order. Any action commenced
2274 by the division shall be brought in the county in which the
2275 division has its executive offices or in the county where the
2276 violation occurred.

2277 7. If a unit owner presents the division with proof that
2278 the unit owner has requested access to official records in
2279 writing by certified mail, and that after 10 days the unit owner
2280 again made the same request for access to official records in
2281 writing by certified mail, and that more than 10 days has
2282 elapsed since the second request and the association has still
2283 failed or refused to provide access to official records as
2284 required by this chapter, the division shall issue a subpoena
2285 requiring production of the requested records where the records
2286 are kept pursuant to s. 718.112. Upon receipt of the records,
2287 the division shall provide without charge the produced official
2288 records to the unit owner who was denied access to such records.

2289 8. In addition to subparagraph 6., the division may seek
2290 the imposition of a civil penalty through the circuit court for
2291 any violation for which the division may issue a notice to show
2292 cause under paragraph (s) ~~(r)~~. The civil penalty shall be at
2293 least \$500 but no more than \$5,000 for each violation. The court
2294 may also award to the prevailing party court costs and
2295 reasonable attorney fees and, if the division prevails, may also
2296 award reasonable costs of investigation.

2297 (e) The division may prepare and disseminate a prospectus
2298 and other information to assist prospective owners, purchasers,
2299 lessees, and developers of residential condominiums in assessing
2300 the rights, privileges, and duties pertaining thereto.

2301 (f) The division may adopt rules to administer and enforce



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2302 this chapter.

2303 (g) The division shall establish procedures for providing
2304 notice to an association and the developer, bulk assignee, or
2305 bulk buyer during the period in which the developer, bulk
2306 assignee, or bulk buyer controls the association if the division
2307 is considering the issuance of a declaratory statement with
2308 respect to the declaration of condominium or any related
2309 document governing such condominium community.

2310 (h) The division shall furnish each association that pays
2311 the fees required by paragraph (2) (a) a copy of this chapter, as
2312 amended, and the rules adopted thereto on an annual basis.

2313 (i) The division shall annually provide each association
2314 with a summary of declaratory statements and formal legal
2315 opinions relating to the operations of condominiums which were
2316 rendered by the division during the previous year.

2317 (j) The division shall provide training and educational
2318 programs for condominium association board members and unit
2319 owners. The training may, in the division's discretion, include
2320 web-based electronic media and live training and seminars in
2321 various locations throughout the state. The division may review
2322 and approve education and training programs for board members
2323 and unit owners offered by providers and shall maintain a
2324 current list of approved programs and providers and make such
2325 list available to board members and unit owners in a reasonable
2326 and cost-effective manner. The division shall adopt by rule the
2327 educational curriculum required under s. 718.112(2)(d) for its
2328 approval of condominium education providers.

2329 (k) The division shall maintain a toll-free telephone
2330 number accessible to condominium unit owners.



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2331 (1) The division shall develop a program to certify both
2332 volunteer and paid mediators to provide mediation of condominium
2333 disputes. The division shall provide, upon request, a list of
2334 such mediators to any association, unit owner, or other
2335 participant in alternative dispute resolution proceedings under
2336 s. 718.1255 requesting a copy of the list. The division shall
2337 include on the list of volunteer mediators only the names of
2338 persons who have received at least 20 hours of training in
2339 mediation techniques or who have mediated at least 20 disputes.
2340 In order to become initially certified by the division, paid
2341 mediators must be certified by the Supreme Court to mediate
2342 court cases in county or circuit courts. However, the division
2343 may adopt, by rule, additional factors for the certification of
2344 paid mediators, which must be related to experience, education,
2345 or background. Any person initially certified as a paid mediator
2346 by the division must, in order to continue to be certified,
2347 comply with the factors or requirements adopted by rule.

2348 (m) If a complaint is made, the division must conduct its
2349 inquiry with due regard for the interests of the affected
2350 parties. Within 30 days after receipt of a complaint, the
2351 division shall acknowledge the complaint in writing and notify
2352 the complainant whether the complaint is within the jurisdiction
2353 of the division and whether additional information is needed by
2354 the division from the complainant. The division shall conduct
2355 its investigation and, within 90 days after receipt of the
2356 original complaint or of timely requested additional
2357 information, take action upon the complaint. However, the
2358 failure to complete the investigation within 90 days does not
2359 prevent the division from continuing the investigation,



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2360 accepting or considering evidence obtained or received after 90
2361 days, or taking administrative action if reasonable cause exists
2362 to believe that a violation of this chapter or a rule has
2363 occurred. If an investigation is not completed within the time
2364 limits established in this paragraph, the division shall, on a
2365 monthly basis, notify the complainant in writing of the status
2366 of the investigation. When reporting its action to the
2367 complainant, the division shall inform the complainant of any
2368 right to a hearing under ss. 120.569 and 120.57. The division
2369 may adopt rules regarding the submission of a complaint against
2370 an association.

2371 (n) Condominium association directors, officers, and
2372 employees; condominium developers; bulk assignees, bulk buyers,
2373 and community association managers; and community association
2374 management firms have an ongoing duty to reasonably cooperate
2375 with the division in any investigation under this section. The
2376 division shall refer to local law enforcement authorities any
2377 person whom the division believes has altered, destroyed,
2378 concealed, or removed any record, document, or thing required to
2379 be kept or maintained by this chapter with the purpose to impair
2380 its verity or availability in the department's investigation.
2381 The division shall refer to local law enforcement authorities
2382 any person whom the division believes has engaged in fraud,
2383 theft, embezzlement, or other criminal activity or when the
2384 division has cause to believe that fraud, theft, embezzlement,
2385 or other criminal activity has occurred.

2386 (o) The division director or any officer or employee of the
2387 division, and the condominium ombudsman or employee of the
2388 Office of the Condominium Ombudsman may attend and observe any



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2389 meeting of the board of administration or unit owner meeting,
2390 including any meeting of a subcommittee or special committee,
2391 that is open to members of the association for the purpose of
2392 performing the duties of the division or the Office of the
2393 Condominium Ombudsman under this chapter.

2394 (p) The division may:

2395 1. Contract with agencies in this state or other
2396 jurisdictions to perform investigative functions; or

2397 2. Accept grants-in-aid from any source.

2398 (q)~~(p)~~ The division shall cooperate with similar agencies
2399 in other jurisdictions to establish uniform filing procedures
2400 and forms, public offering statements, advertising standards,
2401 and rules and common administrative practices.

2402 (r)~~(q)~~ The division shall consider notice to a developer,
2403 bulk assignee, or bulk buyer to be complete when it is delivered
2404 to the address of the developer, bulk assignee, or bulk buyer
2405 currently on file with the division.

2406 (s)~~(r)~~ In addition to its enforcement authority, the
2407 division may issue a notice to show cause, which must provide
2408 for a hearing, upon written request, in accordance with chapter
2409 120.

2410 (t)~~(s)~~ The division shall submit to the Governor, the
2411 President of the Senate, the Speaker of the House of
2412 Representatives, and the chairs of the legislative
2413 appropriations committees an annual report that includes, but
2414 need not be limited to, the number of training programs provided
2415 for condominium association board members and unit owners, the
2416 number of complaints received by type, the number and percent of
2417 complaints acknowledged in writing within 30 days and the number



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2418 and percent of investigations acted upon within 90 days in
2419 accordance with paragraph (m), and the number of investigations
2420 exceeding the 90-day requirement. The annual report must also
2421 include an evaluation of the division's core business processes
2422 and make recommendations for improvements, including statutory
2423 changes. The report shall be submitted by September 30 following
2424 the end of the fiscal year.

2425 (2) (a) Each condominium association which operates more
2426 than two units shall pay to the division an annual fee in the
2427 amount of \$4 for each residential unit in condominiums operated
2428 by the association. The annual fee must be filed together with
2429 the annual certification described in paragraph (c). If the fee
2430 is not paid by March 1, the association shall be assessed a
2431 penalty of 10 percent of the amount due, and the association
2432 will not have standing to maintain or defend any action in the
2433 courts of this state until the amount due, plus any penalty, is
2434 paid.

2435 (b) All fees shall be deposited in the Division of Florida
2436 Condominiums, Timeshares, and Mobile Homes Trust Fund as
2437 provided by law.

2438 (c) On the certification form provided by rule of the
2439 division, the directors of the association shall certify that
2440 all directors of the association have or have not completed the
2441 written certification and educational certificate requirements
2442 in s. 718.112(2)(d)4.b. If the association certifies that a
2443 director has not completed the written certification and
2444 educational certificate requirements, the association must
2445 explain on the certification form the reasons the written
2446 certification and educational certificate requirements have not



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2447 been met and provide the date by which the requirements will be
2448 met, which may not be more than 60 days after the date the
2449 certification form required under this paragraph is submitted to
2450 the division. Upon completion of the requirements in s.
2451 718.112(2)(d)4.b., the association must notify the division, on
2452 a form adopted by rule of the division, that the requirements
2453 have been met.

2454 Section 20. Subsection (2) of section 718.5011, Florida
2455 Statutes, is amended to read:

2456 718.5011 Ombudsman; appointment; administration.-

2457 (2) The secretary of the Department of Business and
2458 Professional Regulation ~~Governor~~ shall appoint the ombudsman-
2459 ~~The ombudsman must be an attorney admitted to practice before~~
2460 ~~the Florida Supreme Court~~ and shall serve at the pleasure of the
2461 secretary ~~Governor~~. A vacancy in the office shall be filled in
2462 the same manner as the original appointment. An officer or full-
2463 time employee of the ombudsman's office may not actively engage
2464 in any other business or profession that directly or indirectly
2465 relates to or conflicts with his or her work in the ombudsman's
2466 office; serve as the representative of any political party,
2467 executive committee, or other governing body of a political
2468 party; serve as an executive, officer, or employee of a
2469 political party; receive remuneration for activities on behalf
2470 of any candidate for public office; or engage in soliciting
2471 votes or other activities on behalf of a candidate for public
2472 office. The ombudsman or any employee of his or her office may
2473 not become a candidate for election to public office unless he
2474 or she first resigns from his or her office or employment.

2475 Section 21. Subsection (1) of section 718.618, Florida



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2476 Statutes, is amended to read:

2477 718.618 Converter reserve accounts; warranties.—

2478 (1) When existing improvements are converted to ownership
2479 as a residential condominium, the developer shall establish
2480 converter reserve accounts for capital expenditures and planned
2481 ~~deferred~~ maintenance, or give warranties as provided by
2482 subsection (6), or post a surety bond as provided by subsection
2483 (7). The developer shall fund the converter reserve accounts in
2484 amounts calculated as follows:

2485 (a)1. When the existing improvements include an air-
2486 conditioning system serving more than one unit or property which
2487 the association is responsible to repair, maintain, or replace,
2488 the developer shall fund an air-conditioning reserve account.
2489 The amount of the reserve account shall be the product of the
2490 estimated current replacement cost of the system, as disclosed
2491 and substantiated pursuant to s. 718.616(3)(b), multiplied by a
2492 fraction, the numerator of which shall be the lesser of the age
2493 of the system in years or 9, and the denominator of which shall
2494 be 10. When such air-conditioning system is within 1,000 yards
2495 of the seacoast, the numerator shall be the lesser of the age of
2496 the system in years or 3, and the denominator shall be 4.

2497 2. The developer shall fund a plumbing reserve account. The
2498 amount of the funding shall be the product of the estimated
2499 current replacement cost of the plumbing component, as disclosed
2500 and substantiated pursuant to s. 718.616(3)(b), multiplied by a
2501 fraction, the numerator of which shall be the lesser of the age
2502 of the plumbing in years or 36, and the denominator of which
2503 shall be 40.

2504 3. The developer shall fund a roof reserve account. The



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2505 amount of the funding shall be the product of the estimated
2506 current replacement cost of the roofing component, as disclosed
2507 and substantiated pursuant to s. 718.616(3)(b), multiplied by a
2508 fraction, the numerator of which shall be the lesser of the age
2509 of the roof in years or the numerator listed in the following
2510 table. The denominator of the fraction shall be determined based
2511 on the roof type, as follows:

2512	Roof Type	Numerator	Denominator
2513	a. Built-up roof without insulation	4	5
2514	b. Built-up roof with insulation	4	5
2515	c. Cement tile roof	45	50
2516	d. Asphalt shingle roof	14	15
2517	e. Copper roof		
2518	f. Wood shingle roof	9	10
2519	g. All other types	18	20

2520
2521
2522 (b) The age of any component or structure for which the



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2523 developer is required to fund a reserve account shall be
2524 measured in years, rounded to the nearest whole year. The amount
2525 of converter reserves to be funded by the developer for each
2526 structure or component shall be based on the age of the
2527 structure or component as disclosed in the inspection report.
2528 The architect or engineer shall determine the age of the
2529 component from the later of:

2530 1. The date when the component or structure was replaced or
2531 substantially renewed, if the replacement or renewal of the
2532 component at least met the requirements of the then-applicable
2533 building code; or

2534 2. The date when the installation or construction of the
2535 existing component or structure was completed.

2536 (c) When the age of a component or structure is to be
2537 measured from the date of replacement or renewal, the developer
2538 shall provide the division with a certificate, under the seal of
2539 an architect or engineer authorized to practice in this state,
2540 verifying:

2541 1. The date of the replacement or renewal; and

2542 2. That the replacement or renewal at least met the
2543 requirements of the then-applicable building code.

2544 (d) In addition to establishing the reserve accounts
2545 specified above, the developer shall establish those other
2546 reserve accounts required by s. 718.112(2)(f), and shall fund
2547 those accounts in accordance with the formula provided therein.
2548 The vote to waive or reduce the funding or reserves required by
2549 s. 718.112(2)(f) does not affect or negate the obligations
2550 arising under this section.

2551 Section 22. Paragraphs (j) and (k) of subsection (1) of



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2552 section 719.106, Florida Statutes, are amended to read:

2553 719.106 Bylaws; cooperative ownership.—

2554 (1) MANDATORY PROVISIONS.—The bylaws or other cooperative
2555 documents shall provide for the following, and if they do not,
2556 they shall be deemed to include the following:

2557 (j) *Annual budget*.—

2558 1. The proposed annual budget of common expenses must be
2559 detailed and must show the amounts budgeted by accounts and
2560 expense classifications, including, if applicable, but not
2561 limited to, those expenses listed in s. 719.504(20). The board
2562 of administration shall adopt the annual budget at least 14 days
2563 before the start of the association's fiscal year. In the event
2564 that the board fails to timely adopt the annual budget a second
2565 time, it is deemed a minor violation and the prior year's budget
2566 shall continue in effect until a new budget is adopted.

2567 2. In addition to annual operating expenses, the budget
2568 must include reserve accounts for capital expenditures and
2569 planned ~~deferred~~ maintenance. These accounts must include, but
2570 not be limited to, roof replacement, building painting, and
2571 pavement resurfacing, regardless of the amount of planned
2572 ~~deferred~~ maintenance expense or replacement cost, and for any
2573 other items for which the planned ~~deferred~~ maintenance expense
2574 or replacement cost exceeds \$10,000. The amount to be reserved
2575 must be computed by means of a formula which is based upon
2576 estimated remaining useful life and estimated replacement cost
2577 or planned ~~deferred~~ maintenance expense of the reserve item. In
2578 a budget adopted by an association that is required to obtain a
2579 structural integrity reserve study, reserves must be maintained
2580 for the items identified in paragraph (k) for which the



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2581 association is responsible pursuant to the declaration, and the
2582 reserve amount for such items must be based on the findings and
2583 recommendations of the association's most recent structural
2584 integrity reserve study. With respect to items for which an
2585 estimate of useful life is not readily ascertainable or with an
2586 estimated remaining useful life of greater than 25 years, an
2587 association is not required to reserve replacement costs for
2588 such items, but an association must reserve the amount of
2589 planned ~~deferred~~ maintenance expense, if any, which is
2590 recommended by the structural integrity reserve study for such
2591 items. The association may adjust replacement reserve
2592 assessments annually to take into account an inflation
2593 adjustment and any changes in estimates or extension of the
2594 useful life of a reserve item caused by planned ~~deferred~~
2595 maintenance. The members of a unit-owner-controlled association
2596 may determine, by a majority vote of the total voting interests
2597 of the association, for a fiscal year to provide no reserves or
2598 reserves less adequate than required by this subsection. Before
2599 turnover of control of an association by a developer to unit
2600 owners other than a developer under s. 719.301, the developer-
2601 controlled association may not vote to waive the reserves or
2602 reduce funding of the reserves. For a budget adopted on or after
2603 December 31, 2024, a unit-owner-controlled association that must
2604 obtain a structural integrity reserve study may not determine to
2605 provide no reserves or reserves less adequate than required by
2606 this paragraph for items listed in paragraph (k). If a meeting
2607 of the unit owners has been called to determine to provide no
2608 reserves, or reserves less adequate than required, and such
2609 result is not attained or a quorum is not attained, the reserves



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2610 as included in the budget shall go into effect.

2611 3. Reserve funds and any interest accruing thereon shall
2612 remain in the reserve account or accounts, and shall be used
2613 only for authorized reserve expenditures unless their use for
2614 other purposes is approved in advance by a vote of the majority
2615 of the total voting interests of the association. Before
2616 turnover of control of an association by a developer to unit
2617 owners other than the developer under s. 719.301, the developer
2618 may not vote to use reserves for purposes other than that for
2619 which they were intended. For a budget adopted on or after
2620 December 31, 2024, members of a unit-owner-controlled
2621 association that must obtain a structural integrity reserve
2622 study may not vote to use reserve funds, or any interest
2623 accruing thereon, for purposes other than the replacement or
2624 planned ~~deferred~~ maintenance costs of the components listed in
2625 paragraph (k).

2626 (k) *Structural integrity reserve study.*—

2627 1. A residential cooperative association must have a
2628 structural integrity reserve study completed at least every 10
2629 years for each building on the cooperative property that is
2630 three stories or higher in height, as determined by the Florida
2631 Building Code, that includes, at a minimum, a study of the
2632 following items as related to the structural integrity and
2633 safety of the building:

2634 a. Roof.

2635 b. Structure, including load-bearing walls and other
2636 primary structural members and primary structural systems as
2637 those terms are defined in s. 627.706.

2638 c. Fireproofing and fire protection systems.



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2639 d. Plumbing.
2640 e. Electrical systems.
2641 f. Waterproofing and exterior painting.
2642 g. Windows and exterior doors.
2643 h. Any other item that has a planned ~~deferred~~ maintenance
2644 expense or replacement cost that exceeds \$10,000 and the failure
2645 to replace or maintain such item negatively affects the items
2646 listed in sub-subparagraphs a.-g., as determined by the visual
2647 inspection portion of the structural integrity reserve study.

2648 2. A structural integrity reserve study is based on a
2649 visual inspection of the cooperative property. A structural
2650 integrity reserve study may be performed by any person qualified
2651 to perform such study. However, the visual inspection portion of
2652 the structural integrity reserve study must be performed or
2653 verified by an engineer licensed under chapter 471, an architect
2654 licensed under chapter 481, or a person certified as a reserve
2655 specialist or professional reserve analyst by the Community
2656 Associations Institute or the Association of Professional
2657 Reserve Analysts.

2658 3. At a minimum, a structural integrity reserve study must
2659 identify each item of the cooperative property being visually
2660 inspected, state the estimated remaining useful life and the
2661 estimated replacement cost or planned ~~deferred~~ maintenance
2662 expense of each item of the cooperative property being visually
2663 inspected, and provide a reserve funding schedule with a
2664 recommended annual reserve amount that achieves the estimated
2665 replacement cost or planned ~~deferred~~ maintenance expense of each
2666 item of cooperative property being visually inspected by the end
2667 of the estimated remaining useful life of the item. The



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2668 structural integrity reserve study may recommend that reserves
2669 do not need to be maintained for any item for which an estimate
2670 of useful life and an estimate of replacement cost cannot be
2671 determined, or the study may recommend a planned ~~deferred~~
2672 maintenance expense amount for such item. The structural
2673 integrity reserve study may recommend that reserves for
2674 replacement costs do not need to be maintained for any item with
2675 an estimated remaining useful life of greater than 25 years, but
2676 the study may recommend a planned ~~deferred~~ maintenance expense
2677 amount for such item.

2678 4. This paragraph does not apply to buildings less than
2679 three stories in height; single-family, two-family, ~~or~~ three-
2680 family, or four-family dwellings with three or fewer habitable
2681 stories above ground; any portion or component of a building
2682 that has not been submitted to the cooperative form of
2683 ownership; or any portion or component of a building that is
2684 maintained by a party other than the association.

2685 5. Before a developer turns over control of an association
2686 to unit owners other than the developer, the developer must have
2687 a turnover inspection report in compliance with s. 719.301(4)(p)
2688 and (q) for each building on the cooperative property that is
2689 three stories or higher in height.

2690 6. Associations existing on or before July 1, 2022, which
2691 are controlled by unit owners other than the developer, must
2692 have a structural integrity reserve study completed by December
2693 31, 2024, for each building on the cooperative property that is
2694 three stories or higher in height. An association that is
2695 required to complete a milestone inspection on or before
2696 December 31, 2026, in accordance with s. 553.899 may complete



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2697 the structural integrity reserve study simultaneously with the
2698 milestone inspection. In no event may the structural integrity
2699 reserve study be completed after December 31, 2026.

2700 7. If the milestone inspection required by s. 553.899, or
2701 an inspection completed for a similar local requirement, was
2702 performed within the past 5 years and meets the requirements of
2703 this paragraph, such inspection may be used in place of the
2704 visual inspection portion of the structural integrity reserve
2705 study.

2706 8. If the officers or directors of an association willfully
2707 and knowingly fail to complete a structural integrity reserve
2708 study pursuant to this paragraph, such failure is a breach of an
2709 officer's and director's fiduciary relationship to the unit
2710 owners under s. 719.104(9).

2711 9. Within 45 days after receiving the structural integrity
2712 reserve study, the association shall distribute a copy of the
2713 study to each unit owner or deliver to each unit owner a notice
2714 that the completed study is available for inspection and copying
2715 upon a written request. Distribution of a copy of the study or
2716 notice must be made by United States mail or personal delivery
2717 at the mailing address, property address, or any other address
2718 of the owner provided to fulfill the association's notice
2719 requirements under this chapter, or by electronic transmission
2720 to the e-mail address or facsimile number provided to fulfill
2721 the association's notice requirements to unit owners who
2722 previously consented to receive notice by electronic
2723 transmission.

2724 Section 23. Section 719.129, Florida Statutes, is amended
2725 to read:



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2726 719.129 Electronic voting.—The association may conduct
2727 elections and other unit owner votes through an Internet-based
2728 online voting system if a unit owner consents, electronically or
2729 in writing, to online voting and if the following requirements
2730 are met:

2731 (1) The association provides each unit owner with:

2732 (a) A method to authenticate the unit owner's identity to
2733 the online voting system.

2734 (b) For elections of the board, a method to transmit an
2735 electronic ballot to the online voting system that ensures the
2736 secrecy and integrity of each ballot.

2737 (c) A method to confirm, at least 14 days before the voting
2738 deadline, that the unit owner's electronic device can
2739 successfully communicate with the online voting system.

2740 (2) The association uses an online voting system that is:

2741 (a) Able to authenticate the unit owner's identity.

2742 (b) Able to authenticate the validity of each electronic
2743 vote to ensure that the vote is not altered in transit.

2744 (c) Able to transmit a receipt from the online voting
2745 system to each unit owner who casts an electronic vote.

2746 (d) For elections of the board of administration, able to
2747 permanently separate any authentication or identifying
2748 information from the electronic election ballot, rendering it
2749 impossible to tie an election ballot to a specific unit owner.

2750 (e) Able to store and keep electronic votes accessible to
2751 election officials for recount, inspection, and review purposes.

2752 (3) A unit owner voting electronically pursuant to this
2753 section shall be counted as being in attendance at the meeting
2754 for purposes of determining a quorum. A substantive vote of the



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2755 unit owners may not be taken on any issue other than the issues
2756 specifically identified in the electronic vote, when a quorum is
2757 established based on unit owners voting electronically pursuant
2758 to this section.

2759 (4) This section applies to an association that provides
2760 for and authorizes an online voting system pursuant to this
2761 section by a board resolution. The board resolution must provide
2762 that unit owners receive notice of the opportunity to vote
2763 through an online voting system, must establish reasonable
2764 procedures and deadlines for unit owners to consent,
2765 electronically or in writing, to online voting, and must
2766 establish reasonable procedures and deadlines for unit owners to
2767 opt out of online voting after giving consent. Written notice of
2768 a meeting at which the resolution will be considered must be
2769 mailed, delivered, or electronically transmitted to the unit
2770 owners and posted conspicuously on the condominium property or
2771 association property at least 14 days before the meeting.
2772 Evidence of compliance with the 14-day notice requirement must
2773 be made by an affidavit executed by the person providing the
2774 notice and filed with the official records of the association.

2775 (5) A unit owner's consent to online voting is valid until
2776 the unit owner opts out of online voting pursuant to the
2777 procedures established by the board of administration pursuant
2778 to subsection (4).

2779 (6) This section may apply to any matter that requires a
2780 vote of the unit owners who are not members of a timeshare
2781 cooperative association.

2782 Section 24. Paragraph (p) of subsection (4) of section
2783 719.301, Florida Statutes, is amended to read:



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2784 719.301 Transfer of association control.-

2785 (4) When unit owners other than the developer elect a
2786 majority of the members of the board of administration of an
2787 association, the developer shall relinquish control of the
2788 association, and the unit owners shall accept control.

2789 Simultaneously, or for the purpose of paragraph (c) not more
2790 than 90 days thereafter, the developer shall deliver to the
2791 association, at the developer's expense, all property of the
2792 unit owners and of the association held or controlled by the
2793 developer, including, but not limited to, the following items,
2794 if applicable, as to each cooperative operated by the
2795 association:

2796 (p) Notwithstanding when the certificate of occupancy was
2797 issued or the height of the building, a turnover inspection
2798 report included in the official records, under seal of an
2799 architect or engineer authorized to practice in this state or a
2800 person certified as a reserve specialist or professional reserve
2801 analyst by the Community Associations Institute or the
2802 Association of Professional Reserve Analysts, consisting of a
2803 structural integrity reserve study attesting to required
2804 maintenance, condition, useful life, and replacement costs of
2805 the following applicable cooperative property:

- 2806 1. Roof.
- 2807 2. Structure, including load-bearing walls and primary
2808 structural members and primary structural systems as those terms
2809 are defined in s. 627.706.
- 2810 3. Fireproofing and fire protection systems.
- 2811 4. Plumbing.
- 2812 5. Electrical systems.



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2813 6. Waterproofing and exterior painting.

2814 7. Windows and exterior doors.

2815 Section 25. Subsection (1) of section 719.618, Florida
2816 Statutes, is amended to read:

2817 719.618 Converter reserve accounts; warranties.—

2818 (1) When existing improvements are converted to ownership
2819 as a residential cooperative, the developer shall establish
2820 planned ~~reserve~~ accounts for capital expenditures and deferred
2821 maintenance, or give warranties as provided by subsection (6),
2822 or post a surety bond as provided by subsection (7). The
2823 developer shall fund the reserve accounts in amounts calculated
2824 as follows:

2825 (a)1. When the existing improvements include an air-
2826 conditioning system serving more than one unit or property which
2827 the association is responsible to repair, maintain, or replace,
2828 the developer shall fund an air-conditioning reserve account.
2829 The amount of the reserve account shall be the product of the
2830 estimated current replacement cost of the system, as disclosed
2831 and substantiated pursuant to s. 719.616(3)(b), multiplied by a
2832 fraction, the numerator of which shall be the lesser of the age
2833 of the system in years or 9, and the denominator of which shall
2834 be 10. When such air-conditioning system is within 1,000 yards
2835 of the seacoast, the numerator shall be the lesser of the age of
2836 the system in years or 3, and the denominator shall be 4.

2837 2. The developer shall fund a plumbing reserve account. The
2838 amount of the funding shall be the product of the estimated
2839 current replacement cost of the plumbing component, as disclosed
2840 and substantiated pursuant to s. 719.616(3)(b), multiplied by a
2841 fraction, the numerator of which shall be the lesser of the age



2842 of the plumbing in years or 36, and the denominator of which
2843 shall be 40.

2844 3. The developer shall fund a roof reserve account. The
2845 amount of the funding shall be the product of the estimated
2846 current replacement cost of the roofing component, as disclosed
2847 and substantiated pursuant to s. 719.616(3)(b), multiplied by a
2848 fraction, the numerator of which shall be the lesser of the age
2849 of the roof in years or the numerator listed in the following
2850 table. The denominator of the fraction shall be determined based
2851 on the roof type, as follows:

	Roof Type	Numerator	Denominator
2853	a. Built-up roof without insulation	4	5
2854	b. Built-up roof with insulation	4	5
2855	c. Cement tile roof	45	50
2856	d. Asphalt shingle roof	14	15
2857	e. Copper roof		
2858	f. Wood shingle roof	9	10
2859	g. All other types	18	20



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

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

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

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

1. The date of the replacement or renewal; and

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

Section 26. The Division of Florida Condominiums, Timeshares, and Mobile Homes of the Department of Business and Professional Regulation shall complete a review of the website or application requirements for official records under s. 718.111(12)(g), Florida Statutes, and make recommendations regarding any additional official records of a condominium association that should be included in the record maintenance requirement in the statute. The division shall submit the findings of its review to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the



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2889 chairs of the legislative appropriations committees and
2890 appropriate substantive committees with jurisdiction over
2891 chapter 718, Florida Statutes, by February 1, 2025.

2892 Section 27. Except as otherwise expressly provided in this
2893 act, this act shall take effect July 1, 2024.

2894
2895 ===== T I T L E A M E N D M E N T =====

2896 And the title is amended as follows:

2897 Delete everything before the enacting clause
2898 and insert:

2899 A bill to be entitled
2900 An act relating to community associations; amending s.
2901 468.4334, F.S.; requiring community associations or
2902 successor community association managers and
2903 management firms to return official records of an
2904 association within a specified period following
2905 termination of a contract; specifying the manner of
2906 delivery for the notice of termination; authorizing
2907 the manager or management firm to retain records for a
2908 specified purpose within a specified timeframe;
2909 relieving a manager or management firm from
2910 responsibility if the association fails to provide
2911 access to the records necessary to complete an ending
2912 financial statement or report; providing a rebuttable
2913 presumption regarding noncompliance; providing
2914 penalties for the failure to timely return official
2915 records; creating s. 468.4335, F.S.; requiring
2916 community association managers and management firms to
2917 provide a written disclosure of certain conflicts of



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2918 interest to the association's board; providing a
2919 rebuttable presumption as to the existence of a
2920 conflict; requiring an association to solicit multiple
2921 competitive bids for goods or services under certain
2922 circumstances; providing requirements for an
2923 association to approve any contract or transaction
2924 deemed a conflict of interest; authorizing that any
2925 such contract may be canceled, subject to certain
2926 requirements; specifying liability and nonliability of
2927 the association upon cancellation of such a contract;
2928 authorizing an association to cancel a contract with a
2929 community association manager or management firm upon
2930 a finding of a violation of certain provisions;
2931 specifying liability and nonliability of the
2932 association upon cancellation of such a contract;
2933 authorizing an association to void certain contracts
2934 if certain conflicts were not disclosed in accordance
2935 with the act; defining the term "relative"; providing
2936 applicability amending s. 468.436, F.S.; revising the
2937 list of grounds for which the Department of Business
2938 and Professional Regulation may take disciplinary
2939 actions against community association managers or
2940 firms to conform to changes made by the act; amending
2941 s. 553.8445, F.S.; providing that all residential
2942 dwellings must be required to be equipped with a
2943 certain reusable device designed for a specified
2944 purpose as a condition for the issuance of certain
2945 permits and completion of a certain inspections;
2946 providing applicability; requiring the Florida



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2947 Building Commission to adopt certain rules; amending
2948 s. 553.899, F.S.; revising applicability; amending s.
2949 718.103, F.S.; revising the definition of the term
2950 "alternative funding method" to conform to changes
2951 made by the act; defining the term "hurricane
2952 protection"; amending s. 718.104, F.S.; requiring that
2953 declarations specify the entity responsible for the
2954 installation, maintenance, repair, or replacement of
2955 hurricane protection; amending s. 718.111, F.S.;
2956 defining the term "kickback"; providing criminal
2957 penalties for any officer, director, or manager of an
2958 association who knowingly solicits, offers to accept,
2959 or accepts a kickback; requiring the Division of
2960 Florida Condominiums, Timeshares, and Mobile Homes to
2961 monitor compliance and issue fines and penalties for
2962 failure of an association to maintain the required
2963 insurance policy or fidelity bonding; revising the
2964 list of records that constitute the official records
2965 of an association; revising maintenance requirements
2966 for official records; revising requirements regarding
2967 requests to inspect or copy association records;
2968 requiring an association to provide a checklist in
2969 response to certain records requests; providing a
2970 rebuttable presumption regarding compliance; providing
2971 criminal penalties for certain violations regarding
2972 noncompliance with records requirements; defining the
2973 term "repeatedly"; requiring that copies of certain
2974 building permits be posted on an association's website
2975 or application; modifying the method of delivery of



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2976 certain letters regarding association financial
2977 reports to unit owners; conforming a provision to
2978 changes made by the act; revising circumstances under
2979 which an association may prepare certain reports;
2980 revising applicable law for criminal penalties for
2981 persons who unlawfully use a debit card issued in the
2982 name of an association; defining the term "lawful
2983 obligation of the association"; revising the threshold
2984 for associations that must post certain documents on
2985 its website or through an application; amending s.
2986 718.112, F.S.; requiring the boards of administration
2987 of associations consisting of more than a specified
2988 number of units to meet a minimum number of times each
2989 quarter; revising requirements regarding notice of
2990 such meetings; requiring a director of a board of an
2991 association to provide a written certification and
2992 complete an educational requirement upon election or
2993 appointment to the board; requiring the association to
2994 bear the costs of the required educational curriculum
2995 and certificate; providing transitional provisions;
2996 requiring that an association's budget include reserve
2997 amounts for planned maintenance, in lieu of deferred
2998 maintenance; providing that, upon a determination by a
2999 specified local building official that an entire
3000 condominium building is uninhabitable due to a natural
3001 emergency, the board, upon the approval of a majority
3002 of its members, may pause contribution to reserves or
3003 reduce reserve funding for a specified period of time;
3004 authorizing an association to expend any reserve



3005 accounts held by the association to make the building
3006 and its structures habitable; requiring the
3007 association to immediately resume contributing funds
3008 to its reserve once the local building official
3009 determines the building and its structures are
3010 habitable; requiring an association to distribute or
3011 deliver copies of a structural integrity reserve study
3012 to unit owners within a specified timeframe;
3013 specifying the manner of distribution or delivery;
3014 revising the circumstances under which a director or
3015 an officer must be removed from office after being
3016 charged by information or indictment; prohibiting such
3017 officers and directors with pending criminal charges
3018 from accessing the official records of any
3019 association; providing an exception; providing
3020 criminal penalties for certain fraudulent voting
3021 activities relating to association elections;
3022 requiring any person charged to be removed from office
3023 and a vacancy be declared; amending s. 718.113, F.S.;
3024 providing applicability; authorizing, rather than
3025 requiring, certain hurricane protection
3026 specifications; specifying that certain actions are
3027 not material alterations or substantial additions;
3028 authorizing the boards of residential and mixed-use
3029 condominiums to install or require the unit owners to
3030 install hurricane protection; requiring a vote of the
3031 unit owners for the installation of hurricane
3032 protection; requiring that such vote be attested to in
3033 a certificate and recorded in certain public records;



3034 providing requirements for such certificate; providing
3035 that the validity or enforceability of a vote of the
3036 unit owners is not affected if the board fails to
3037 record a certificate or send a copy of the recorded
3038 certificate to the unit owners; providing that a vote
3039 of the unit owners is not required under certain
3040 circumstances; prohibiting installation of the same
3041 type of hurricane protection previously installed;
3042 providing exceptions; prohibiting the boards of
3043 residential and mixed-use condominiums from refusing
3044 to approve certain hurricane protections; authorizing
3045 the board to require owners to adhere to certain
3046 guidelines regarding the external appearance of a
3047 condominium; revising responsibility for the cost of
3048 removal or reinstallation of hurricane protection and
3049 certain exterior windows, doors, or apertures in
3050 certain circumstances; requiring the board to make a
3051 certain determination; providing that costs incurred
3052 by the association in connection with such removal or
3053 reinstallation completed by the association may not be
3054 charged to the unit owner; requiring reimbursement of
3055 the unit owner, or application of a credit toward
3056 future assessments, in certain circumstances;
3057 authorizing the association to collect charges if the
3058 association removes or installs hurricane protection
3059 and making such charges enforceable as an assessment;
3060 amending s. 718.115, F.S.; specifying when the cost of
3061 installation of hurricane protection is not a common
3062 expense; authorizing certain expenses to be



3063 enforceable as assessments; requiring that certain
3064 unit owners be excused from certain assessments or to
3065 receive a credit for hurricane protection that has
3066 been installed; providing credit applicability under
3067 certain circumstances; providing for the amount of
3068 credit that a unit owner must receive; specifying that
3069 certain expenses are common expenses; amending s.
3070 718.121, F.S.; conforming a cross-reference; amending
3071 s. 718.1224, F.S.; revising legislative findings and
3072 intent to conform to changes made by the act; revising
3073 the definition of the term "governmental entity";
3074 prohibiting a condominium association from filing
3075 strategic lawsuits against public participation;
3076 prohibiting an association from taking certain action
3077 against a unit owner in response to specified conduct;
3078 prohibiting associations from expending association
3079 funds in support of certain actions against a unit
3080 owner; conforming provisions to changes made by the
3081 act; amending s. 718.128, F.S.; authorizing a
3082 condominium association to conduct elections and other
3083 unit owner votes through an online voting system if a
3084 unit owner consents, either electronically or in
3085 writing, to online voting; revising applicability;
3086 amending s. 718.301, F.S.; revising items that
3087 developers are required to deliver to an association
3088 upon relinquishing control of the association;
3089 amending s. 718.3027, F.S.; revising requirements
3090 regarding attendance at a board meeting in the event
3091 of a conflict of interest; modifying circumstances



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3092 under which a contract may be voided; amending s.
3093 718.303, F.S.; requiring that a notice of nonpayment
3094 be provided to a unit owner by a specified time before
3095 an election; amending s. 718.501, F.S.; revising
3096 circumstances under which the Division of Florida
3097 Condominiums, Timeshares, and Mobile Homes has
3098 jurisdiction to investigate and enforce certain
3099 matters; requiring the division to provide official
3100 records, without charge, to a unit owner denied
3101 access; requiring the division to adopt rules related
3102 to the approval of educational curriculum providers;
3103 requiring the division to refer suspected criminal
3104 acts to the appropriate law enforcement authority;
3105 authorizing certain division officials to attend
3106 association meetings; requiring that an association's
3107 annual fee be filed concurrently with the annual
3108 certification; specifying requirements for the annual
3109 certification; requiring an association to explain on
3110 the certification the reasons any certification
3111 requirements have not been met; requiring an
3112 association to complete the certifications within a
3113 specified timeframe; requiring the association to
3114 notify the division when the certification is
3115 completed; conforming a provision to changes made by
3116 the act; amending s. 718.5011, F.S.; revising that the
3117 secretary of the Department of Business and
3118 Professional Regulation shall appoint the condominium
3119 ombudsman; amending s. 718.618, F.S.; conforming a
3120 provision to changes made by the act; amending s.



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3121 719.106, F.S.; requiring that a cooperative
3122 association's budget include reserve amounts for
3123 planned maintenance, in lieu of deferred maintenance;
3124 providing an exception for certain associations to
3125 complete a structural integrity reserve study by a
3126 certain date; requiring an association to distribute
3127 or deliver copies of a structural integrity reserve
3128 study to unit owners within a specified timeframe;
3129 specifying the manner of distribution or delivery;
3130 conforming provisions to changes made by the act;
3131 amending s. 719.129, F.S.; authorizing cooperative
3132 associations to conduct elections and other unit owner
3133 votes through an online voting system if a unit owner
3134 consents, either electronically or in writing, to
3135 online voting; revising applicability; amending s.
3136 719.301, F.S.; revising items that developers are
3137 required to deliver to a cooperative association upon
3138 relinquishing control of association property;
3139 amending s. 719.618, F.S.; conforming a provision to
3140 changes made by the act; requiring the division to
3141 conduct a review of statutory requirements regarding
3142 posting of official records on a condominium
3143 association's website or application; requiring the
3144 division to submit its findings, including any
3145 recommendations, to the Governor and the Legislature
3146 by a specified date; providing effective dates.