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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/28/2024	.	
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The Committee on Fiscal Policy (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 within 20 business days after termination
12 of a contractual agreement to provide community association
13 management services to the community association or receipt of a
14 written request for return of the official records, whichever
15 occurs first. A notice of termination of a contractual agreement
16 to provide community association management services must be
17 sent by certified mail, return receipt requested, or in the
18 manner required under such contractual agreement. The community
19 association manager or community association management firm may
20 retain, for up to 20 business days, those records necessary to
21 complete an ending financial statement or report. If an
22 association fails to provide access to or retention of
23 accounting records to prepare an ending financial statement or
24 report, the community association manager or community
25 association management firm is relieved from any further
26 responsibility or liability relating to the preparation of such
27 ending financial statement or report. Failure of a community
28 association manager or a community association management firm
29 to timely return all of the official records within its
30 possession to the community association creates a rebuttable
31 presumption that the community association manager or the
32 community association management firm willfully failed to comply
33 with this subsection. A community association manager or a
34 community association management firm that fails to timely
35 return community association records is subject to suspension of
36 its license under s. 468.436, and a civil penalty of \$1,000 per
37 day for up to 10 business days, assessed beginning on the 21st
38 business day after termination of a contractual agreement to
39 provide community association management services to the



40 community association or receipt of a written request from the
41 association for return of the records, whichever occurs first.
42 However, related to a timeshare plan licensed under chapter 721,
43 the time periods in s. 721.14(4)(b) are applicable.

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 of
52 any activity that may reasonably be construed to be a conflict
53 of 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 that exceeds \$2,500, other than
72 community association management services, from a community
73 association manager or a community association management firm,
74 including directors, officers, and persons with a financial
75 interest in a community association management firm, or a
76 relative of such persons, the association must also solicit
77 multiple bids from other third-party providers of such good or
78 service.

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



98 conflict of interest does not need to be additionally noticed
99 and voted on during the term of the contract between the
100 community association and the community association manager or
101 management firm, but must be noticed and voted on in accordance
102 with this provision upon renewal.

103 (4) If the board finds that a community association manager
104 or a community association management firm, including directors,
105 officers, and persons with a financial interest in a community
106 association management firm, or a relative of such persons, has
107 violated this section, the association may cancel its community
108 association management contract with the community association
109 manager or the community association management firm. If the
110 contract is canceled, the association is liable only for the
111 reasonable value of the management services provided up to the
112 time of cancellation and is not liable for any termination fees,
113 liquidated damages, or other form of penalty for such
114 cancellation.

115 (5) If an association enters into a contract, other than a
116 contract for community association management services, with a
117 community association manager or a community association
118 management firm, including directors, officers, and persons with
119 a financial interest in a community association management firm,
120 or a relative of such persons, which is a party to or has an
121 interest in an activity that is a possible conflict of interest
122 as described in subsection (1) and that activity has not been
123 properly disclosed as a conflict of interest or potential
124 conflict of interest as required by this section, the contract
125 is voidable and terminates upon the association filing a written
126 notice terminating the contract.



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

130 Section 3. Paragraph (b) of subsection (2) of section
131 468.436, Florida Statutes, is amended, and subsection (4) of
132 that section is reenacted, to read:

133 468.436 Disciplinary proceedings.—

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

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

137 2. Violation of any lawful order or rule rendered or
138 adopted by the department or the council.

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

141 4. Obtaining a license or certification or any other order,
142 ruling, or authorization by means of fraud, misrepresentation,
143 or concealment of material facts.

144 5. Committing acts of gross misconduct or gross negligence
145 in connection with the profession.

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

149 7. Failing to disclose any conflict of interest as required
150 by s. 468.4335.

151 8. ~~Violating any provision of~~ chapter 718, chapter 719, or
152 chapter 720 during the course of performing community
153 association management services pursuant to a contract with a
154 community association as defined in s. 468.431(1).

155 (4) When the department finds any community association



156 manager or firm guilty of any of the grounds set forth in
157 subsection (2), it may enter an order imposing one or more of
158 the following penalties:

159 (a) Denial of an application for licensure.

160 (b) Revocation or suspension of a license.

161 (c) Imposition of an administrative fine not to exceed
162 \$5,000 for each count or separate offense.

163 (d) Issuance of a reprimand.

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

167 (f) Restriction of the authorized scope of practice by the
168 community association manager.

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

171 553.899 Mandatory structural inspections for condominium
172 and cooperative buildings.—

173 (4) The milestone inspection report must be arranged by a
174 condominium or cooperative association and any owner of any
175 portion of the building which is not subject to the condominium
176 or cooperative form of ownership. The condominium association or
177 cooperative association and any owner of any portion of the
178 building which is not subject to the condominium or cooperative
179 form of ownership are each responsible for ensuring compliance
180 with the requirements of this section. The condominium
181 association or cooperative association is responsible for all
182 costs associated with the milestone inspection attributable to
183 the portions of a building which the association is responsible
184 to maintain under the governing documents of the association.



185 This section does not apply to a single-family, two-family, ~~or~~
186 three-family, or four-family dwelling with three or fewer
187 habitable stories above ground.

188 Section 5. Present subsections (19) through (32) of section
189 718.103, Florida Statutes, are redesignated as subsections (20)
190 through (33), respectively, a new subsection (19) is added to
191 that section, and subsection (1) of that section is amended, to
192 read:

193 718.103 Definitions.—As used in this chapter, the term:

194 (1) "Alternative funding method" means a method approved by
195 the division for funding the capital expenditures and planned
196 ~~deferred~~ maintenance obligations for a multicondominium
197 association operating at least 25 condominiums which may
198 reasonably be expected to fully satisfy the association's
199 reserve funding obligations by the allocation of funds in the
200 annual operating budget.

201 (19) "Hurricane protection" means hurricane shutters,
202 impact glass, code-compliant windows or doors, and other code-
203 compliant hurricane protection products used to preserve and
204 protect the condominium property or association property.

205 Section 6. Effective October 1, 2024, subsection (14) of
206 section 718.103, Florida Statutes, is amended to read:

207 718.103 Definitions.—As used in this chapter, the term:

208 (14) "Condominium property" means the lands, leaseholds,
209 improvements, any ~~and~~ personal property, and all easements and
210 rights appurtenant thereto, regardless of whether contiguous,
211 which ~~that~~ are subjected to condominium ownership, ~~whether or~~
212 not contiguous, and all improvements thereon and all easements
213 and rights appurtenant thereto intended for use in connection



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214 ~~with the condominium.~~

215 Section 7. Paragraph (p) of subsection (4) of section
216 718.104, Florida Statutes, is added to read:

217 718.104 Creation of condominiums; contents of declaration.-
218 Every condominium created in this state shall be created
219 pursuant to this chapter.

220 (4) The declaration must contain or provide for the
221 following matters:

222 (p) For both residential condominiums and mixed-use
223 condominiums, a statement that specifies whether the unit owner
224 or the association is responsible for the installation,
225 maintenance, repair, or replacement of hurricane protection that
226 is for the preservation and protection of the condominium
227 property and association property.

228 Section 8. Effective October 1, 2024, paragraph (b) of
229 subsection (4) of section 718.104, Florida Statutes, is amended
230 to read:

231 718.104 Creation of condominiums; contents of declaration.-
232 Every condominium created in this state shall be created
233 pursuant to this chapter.

234 (4) The declaration must contain or provide for the
235 following matters:

236 (b) The name by which the condominium property is to be
237 identified, which shall include the word "condominium" or be
238 followed by the words "a condominium." Condominiums created
239 within a portion of a building or within a multiple parcel
240 building shall include the name by which the condominium is to
241 be identified and be followed by "a condominium within a portion
242 of a building or within a multiple parcel building."



243 Section 9. Paragraph (a) of subsection (1), paragraph (h)
244 of subsection (11), and subsections (12), (13), and (15) of
245 section 718.111, Florida Statutes, are amended to read:

246 718.111 The association.—

247 (1) CORPORATE ENTITY.—

248 (a) The operation of the condominium shall be by the
249 association, which must be a Florida corporation for profit or a
250 Florida corporation not for profit. However, any association
251 which was in existence on January 1, 1977, need not be
252 incorporated. The owners of units shall be shareholders or
253 members of the association. The officers and directors of the
254 association have a fiduciary relationship to the unit owners. It
255 is the intent of the Legislature that nothing in this paragraph
256 shall be construed as providing for or removing a requirement of
257 a fiduciary relationship between any manager employed by the
258 association and the unit owners. An officer, director, or
259 manager may not solicit, offer to accept, or accept a kickback.
260 As used in this paragraph, the term "kickback" means any thing
261 or service of value ~~or kickback~~ for which consideration has not
262 been provided for ~~an officer's, a director's, or a manager's~~ ~~his~~
263 ~~or her~~ own benefit or that of his or her immediate family, from
264 any person providing or proposing to provide goods or services
265 to the association. Any such officer, director, or manager who
266 knowingly so solicits, offers to accept, or accepts ~~a any thing~~
267 ~~or service of value or kickback~~ commits a felony of the third
268 degree, punishable as provided in s. 775.082, s. 775.083, or s.
269 775.084, and is subject to a civil penalty pursuant to s.
270 718.501(1) (d) and, if applicable, a criminal penalty as provided
271 in ~~paragraph (d).~~ However, this paragraph does not prohibit an



272 officer, director, or manager from accepting services or items
273 received in connection with trade fairs or education programs.
274 An association may operate more than one condominium.

275 (11) INSURANCE.—In order to protect the safety, health, and
276 welfare of the people of the State of Florida and to ensure
277 consistency in the provision of insurance coverage to
278 condominiums and their unit owners, this subsection applies to
279 every residential condominium in the state, regardless of the
280 date of its declaration of condominium. It is the intent of the
281 Legislature to encourage lower or stable insurance premiums for
282 associations described in this subsection.

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

297 (12) OFFICIAL RECORDS.—

298 (a) From the inception of the association, the association
299 shall maintain each of the following items, if applicable, which
300 constitutes the official records of the association:



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- 301 1. A copy of the plans, permits, warranties, and other
302 items provided by the developer under s. 718.301(4).
- 303 2. A photocopy of the recorded declaration of condominium
304 of each condominium operated by the association and each
305 amendment to each declaration.
- 306 3. A photocopy of the recorded bylaws of the association
307 and each amendment to the bylaws.
- 308 4. A certified copy of the articles of incorporation of the
309 association, or other documents creating the association, and
310 each amendment thereto.
- 311 5. A copy of the current rules of the association.
- 312 6. A book or books that contain the minutes of all meetings
313 of the association, the board of administration, and the unit
314 owners.
- 315 7. A current roster of all unit owners and their mailing
316 addresses, unit identifications, voting certifications, and, if
317 known, telephone numbers. The association shall also maintain
318 the e-mail addresses and facsimile numbers of unit owners
319 consenting to receive notice by electronic transmission. ~~The e-~~
320 ~~mail addresses and facsimile numbers are not accessible to unit~~
321 ~~owners if consent to receive notice by electronic transmission~~
322 ~~is not provided~~ In accordance with sub-subparagraph (c)5.e.
323 (c)3.e., the e-mail addresses and facsimile numbers are
324 accessible to unit owners only if consent to receive notice by
325 electronic transmission is provided, the unit owner has
326 expressly indicated that such personal information can be shared
327 with other unit owners, and the unit owner has not provided the
328 association with a request to opt-out of such dissemination with
329 other unit owners. An association must ensure that such e-mail



330 addresses and facsimile numbers are used only for the business
331 operation of the association and may not be sold or shared with
332 outside third parties. If such personal information is included
333 in documents released to third parties other than unit owners,
334 the association must redact such personal information before the
335 document is disseminated. However, the association is not liable
336 for an inadvertent disclosure of the e-mail address or facsimile
337 number for receiving electronic transmission of notices unless
338 disclosure was made with a knowing or intentional disregard of
339 the protected nature of such information.

340 8. All current insurance policies of the association and
341 condominiums operated by the association.

342 9. A current copy of any management agreement, lease, or
343 other contract to which the association is a party or under
344 which the association or the unit owners have an obligation or
345 responsibility.

346 10. Bills of sale or transfer for all property owned by the
347 association.

348 11. Accounting records for the association and separate
349 accounting records for each condominium that the association
350 operates. Any person who knowingly or intentionally defaces or
351 destroys such records, or who knowingly or intentionally fails
352 to create or maintain such records, with the intent of causing
353 harm to the association or one or more of its members, is
354 personally subject to a civil penalty pursuant to s.

355 718.501(1)(d). The accounting records must include, but are not
356 limited to:

357 a. Accurate, itemized, and detailed records of all receipts
358 and expenditures.



359 b. All invoices, transaction receipts, or deposit slips
360 that substantiate any receipt or expenditure of funds by the
361 association.

362 c. A current account and a monthly, bimonthly, or quarterly
363 statement of the account for each unit designating the name of
364 the unit owner, the due date and amount of each assessment, the
365 amount paid on the account, and the balance due.

366 ~~d.e.~~ All audits, reviews, accounting statements, structural
367 integrity reserve studies, and financial reports of the
368 association or condominium. Structural integrity reserve studies
369 must be maintained for at least 15 years after the study is
370 completed.

371 ~~e.d.~~ All contracts for work to be performed. Bids for work
372 to be performed are also considered official records and must be
373 maintained by the association for at least 1 year after receipt
374 of the bid.

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

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

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

384 15. A copy of the inspection reports described in ss.
385 553.899 and 718.301(4) (p) and any other inspection report
386 relating to a structural or life safety inspection of
387 condominium property. Such record must be maintained by the



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388 association for 15 years after receipt of the report.
389 16. Bids for materials, equipment, or services.
390 17. All affirmative acknowledgments made pursuant to s.
391 718.121(4) (c) .
392 18. A copy of all building permits.
393 19. A copy of all satisfactorily completed board member
394 educational certificates.
395 20. All other written records of the association not
396 specifically included in the foregoing which are related to the
397 operation of the association.
398 (b) The official records specified in subparagraphs (a)1.-
399 6. must be permanently maintained from the inception of the
400 association. Bids for work to be performed or for materials,
401 equipment, or services must be maintained for at least 1 year
402 after receipt of the bid. All other official records must be
403 maintained within the state for at least 7 years, unless
404 otherwise provided by general law. The official records must be
405 maintained in an organized manner that facilitates inspection of
406 the records by a unit owner. In the event that the records are
407 lost, destroyed, or otherwise unavailable, the obligation to
408 maintain official records includes a good faith obligation to
409 recover those records as may be reasonably possible. The records
410 of the association shall be made available to a unit owner
411 within 45 miles of the condominium property or within the county
412 in which the condominium property is located within 10 working
413 days after receipt of a written request by the board or its
414 designee. However, such distance requirement does not apply to
415 an association governing a timeshare condominium. This paragraph
416 and paragraph (c) may be complied with by having a copy of the



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417 official records of the association available for inspection or
418 copying on the condominium property or association property, or
419 the association may offer the option of making the records
420 available to a unit owner electronically via the Internet as
421 provided under paragraph (g) or by allowing the records to be
422 viewed in electronic format on a computer screen and printed
423 upon request. The association is not responsible for the use or
424 misuse of the information provided to an association member or
425 his or her authorized representative in compliance with this
426 chapter unless the association has an affirmative duty not to
427 disclose such information under this chapter.

428 (c)1.a. The official records of the association are open to
429 inspection by any association member and any person authorized
430 by an association member as a representative of such member at
431 all reasonable times. The right to inspect the records includes
432 the right to make or obtain copies, at the reasonable expense,
433 if any, of the member and of the person authorized by the
434 association member as a representative of such member. A renter
435 of a unit has a right to inspect and copy only the declaration
436 of condominium, the association's bylaws and rules, and the
437 inspection reports described in ss. 553.899 and 718.301(4)(p).
438 The association may adopt reasonable rules regarding the
439 frequency, time, location, notice, and manner of record
440 inspections and copying but may not require a member to
441 demonstrate any purpose or state any reason for the inspection.
442 The failure of an association to provide the records within 10
443 working days after receipt of a written request creates a
444 rebuttable presumption that the association willfully failed to
445 comply with this paragraph. A unit owner who is denied access to



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446 official records is entitled to the actual damages or minimum
447 damages for the association's willful failure to comply. Minimum
448 damages are \$50 per calendar day for up to 10 days, beginning on
449 the 11th working day after receipt of the written request. The
450 failure to permit inspection entitles any person prevailing in
451 an enforcement action to recover reasonable attorney fees from
452 the person in control of the records who, directly or
453 indirectly, knowingly denied access to the records. If the
454 requested records are posted on an association's website, or are
455 available for download through an application on a mobile
456 device, the association may fulfill its obligations as provided
457 under this paragraph by directing all persons authorized to
458 request access to official records pursuant to this paragraph to
459 the website or mobile device application.

460 b. In response to a written request to inspect records, the
461 association must simultaneously provide a checklist to the
462 requestor of all records made available for inspection and
463 copying. The checklist must also identify any of the
464 association's official records that were not made available to
465 the requestor. An association must maintain a checklist provided
466 under this sub-subparagraph for 7 years. An association
467 delivering a checklist pursuant to this sub-subparagraph creates
468 a rebuttable presumption that the association has complied with
469 this paragraph.

470 2. Any director or member of the board or association or a
471 community association manager who knowingly, willfully, and
472 repeatedly violates subparagraph 1. with the intent of causing
473 harm to the association or one or more of its members commits a
474 misdemeanor of the second degree, punishable as provided in s.



475 775.082 or s. 775.083. For purposes of this subparagraph, the
476 term "repeatedly" means two or more violations within a 12-month
477 period.

478 3.2. Any person who knowingly or intentionally defaces or
479 destroys accounting records that are required by this chapter to
480 be maintained during the period for which such records are
481 required to be maintained, or who knowingly or intentionally
482 fails to create or maintain accounting records that are required
483 to be created or maintained, with the intent of causing harm to
484 the association or one or more of its members, commits a
485 misdemeanor of the first degree, punishable as provided in s.
486 775.082 or s. 775.083, and is personally subject to a civil
487 penalty pursuant to s. 718.501(1)(d).

488 4. Any person who willfully and knowingly refuses to
489 release or otherwise produce association records with the intent
490 to avoid or escape detection, arrest, trial, or punishment for
491 the commission of a crime, or to assist another person with such
492 avoidance or escape, commits a felony of the third degree,
493 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

494 5.3. The association shall maintain an adequate number of
495 copies of the declaration, articles of incorporation, bylaws,
496 and rules, and all amendments to each of the foregoing, as well
497 as the question and answer sheet as described in s. 718.504 and
498 year-end financial information required under this section, on
499 the condominium property to ensure their availability to unit
500 owners and prospective purchasers, and may charge its actual
501 costs for preparing and furnishing these documents to those
502 requesting the documents. An association shall allow a member or
503 his or her authorized representative to use a portable device,



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504 including a smartphone, tablet, portable scanner, or any other
505 technology capable of scanning or taking photographs, to make an
506 electronic copy of the official records in lieu of the
507 association's providing the member or his or her authorized
508 representative with a copy of such records. The association may
509 not charge a member or his or her authorized representative for
510 the use of a portable device. Notwithstanding this paragraph,
511 the following records are not accessible to unit owners:

512 a. Any record protected by the lawyer-client privilege as
513 described in s. 90.502 and any record protected by the work-
514 product privilege, including a record prepared by an association
515 attorney or prepared at the attorney's express direction, which
516 reflects a mental impression, conclusion, litigation strategy,
517 or legal theory of the attorney or the association, and which
518 was prepared exclusively for civil or criminal litigation or for
519 adversarial administrative proceedings, or which was prepared in
520 anticipation of such litigation or proceedings until the
521 conclusion of the litigation or proceedings.

522 b. Information obtained by an association in connection
523 with the approval of the lease, sale, or other transfer of a
524 unit.

525 c. Personnel records of association or management company
526 employees, including, but not limited to, disciplinary, payroll,
527 health, and insurance records. For purposes of this sub-
528 subparagraph, the term "personnel records" does not include
529 written employment agreements with an association employee or
530 management company, or budgetary or financial records that
531 indicate the compensation paid to an association employee.

532 d. Medical records of unit owners.



533 e. Social security numbers, driver license numbers, credit
534 card numbers, e-mail addresses, telephone numbers, facsimile
535 numbers, emergency contact information, addresses of a unit
536 owner other than as provided to fulfill the association's notice
537 requirements, and other personal identifying information of any
538 person, excluding the person's name, unit designation, mailing
539 address, property address, and any address, e-mail address, or
540 facsimile number provided to the association to fulfill the
541 association's notice requirements. Notwithstanding the
542 restrictions in this sub-subparagraph, an association may print
543 and distribute to unit owners a directory containing the name,
544 unit address, and all telephone numbers of each unit owner.
545 However, an owner may exclude his or her telephone numbers from
546 the directory by so requesting in writing to the association. An
547 owner may consent in writing to the disclosure of other contact
548 information described in this sub-subparagraph. The association
549 is not liable for the inadvertent disclosure of information that
550 is protected under this sub-subparagraph if the information is
551 included in an official record of the association and is
552 voluntarily provided by an owner and not requested by the
553 association.

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

556 g. The software and operating system used by the
557 association which allow the manipulation of data, even if the
558 owner owns a copy of the same software used by the association.
559 The data is part of the official records of the association.

560 h. All affirmative acknowledgments made pursuant to s.
561 718.121(4)(c).



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

564 (e)1. The association or its authorized agent is not
565 required to provide a prospective purchaser or lienholder with
566 information about the condominium or the association other than
567 information or documents required by this chapter to be made
568 available or disclosed. The association or its authorized agent
569 may charge a reasonable fee to the prospective purchaser,
570 lienholder, or the current unit owner for providing good faith
571 responses to requests for information by or on behalf of a
572 prospective purchaser or lienholder, other than that required by
573 law, if the fee does not exceed \$150 plus the reasonable cost of
574 photocopying and any attorney's fees incurred by the association
575 in connection with the response.

576 2. An association and its authorized agent are not liable
577 for providing such information in good faith pursuant to a
578 written request if the person providing the information includes
579 a written statement in substantially the following form: "The
580 responses herein are made in good faith and to the best of my
581 ability as to their accuracy."

582 (f) An outgoing board or committee member must relinquish
583 all official records and property of the association in his or
584 her possession or under his or her control to the incoming board
585 within 5 days after the election. The division shall impose a
586 civil penalty as set forth in s. 718.501(1)(d)6. against an
587 outgoing board or committee member who willfully and knowingly
588 fails to relinquish such records and property.

589 (g)1. By January 1, 2019, an association managing a
590 condominium with 150 or more units which does not contain



591 timeshare units shall post digital copies of the documents
592 specified in subparagraph 2. on its website or make such
593 documents available through an application that can be
594 downloaded on a mobile device.

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

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

598 (II) A website, application, or web portal operated by a
599 third-party provider with whom the association owns, leases,
600 rents, or otherwise obtains the right to operate a web page,
601 subpage, web portal, collection of subpages or web portals, or
602 an application which is dedicated to the association's
603 activities and on which required notices, records, and documents
604 may be posted or made available by the association.

605 b. The association's website or application must be
606 accessible through the Internet and must contain a subpage, web
607 portal, or other protected electronic location that is
608 inaccessible to the general public and accessible only to unit
609 owners and employees of the association.

610 c. Upon a unit owner's written request, the association
611 must provide the unit owner with a username and password and
612 access to the protected sections of the association's website or
613 application which contain any notices, records, or documents
614 that must be electronically provided.

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

617 a. The recorded declaration of condominium of each
618 condominium operated by the association and each amendment to
619 each declaration.



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620 b. The recorded bylaws of the association and each
621 amendment to the bylaws.

622 c. The articles of incorporation of the association, or
623 other documents creating the association, and each amendment to
624 the articles of incorporation or other documents. The copy
625 posted pursuant to this sub-subparagraph must be a copy of the
626 articles of incorporation filed with the Department of State.

627 d. The rules of the association.

628 e. A list of all executory contracts or documents to which
629 the association is a party or under which the association or the
630 unit owners have an obligation or responsibility and, after
631 bidding for the related materials, equipment, or services has
632 closed, a list of bids received by the association within the
633 past year. Summaries of bids for materials, equipment, or
634 services which exceed \$500 must be maintained on the website or
635 application for 1 year. In lieu of summaries, complete copies of
636 the bids may be posted.

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

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

642 h. The certification of each director required by s.
643 718.112(2)(d)4.b.

644 i. All contracts or transactions between the association
645 and any director, officer, corporation, firm, or association
646 that is not an affiliated condominium association or any other
647 entity in which an association director is also a director or
648 officer and financially interested.



649 j. Any contract or document regarding a conflict of
650 interest or possible conflict of interest as provided in ss.
651 468.4335, 468.436(2)(b)6., and 718.3027(3).

652 k. The notice of any unit owner meeting and the agenda for
653 the meeting, as required by s. 718.112(2)(d)3., no later than 14
654 days before the meeting. The notice must be posted in plain view
655 on the front page of the website or application, or on a
656 separate subpage of the website or application labeled "Notices"
657 which is conspicuously visible and linked from the front page.
658 The association must also post on its website or application any
659 document to be considered and voted on by the owners during the
660 meeting or any document listed on the agenda at least 7 days
661 before the meeting at which the document or the information
662 within the document will be considered.

663 l. Notice of any board meeting, the agenda, and any other
664 document required for the meeting as required by s.
665 718.112(2)(c), which must be posted no later than the date
666 required for notice under s. 718.112(2)(c).

667 m. The inspection reports described in ss. 553.899 and
668 718.301(4)(p) and any other inspection report relating to a
669 structural or life safety inspection of condominium property.

670 n. The association's most recent structural integrity
671 reserve study, if applicable.

672 o. Copies of all building permits issued for ongoing or
673 planned construction.

674 3. The association shall ensure that the information and
675 records described in paragraph (c), which are not allowed to be
676 accessible to unit owners, are not posted on the association's
677 website or application. If protected information or information



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678 restricted from being accessible to unit owners is included in
679 documents that are required to be posted on the association's
680 website or application, the association shall ensure the
681 information is redacted before posting the documents.
682 Notwithstanding the foregoing, the association or its agent is
683 not liable for disclosing information that is protected or
684 restricted under this paragraph unless such disclosure was made
685 with a knowing or intentional disregard of the protected or
686 restricted nature of such information.

687 4. The failure of the association to post information
688 required under subparagraph 2. is not in and of itself
689 sufficient to invalidate any action or decision of the
690 association's board or its committees.

691 (13) FINANCIAL REPORTING.—Within 90 days after the end of
692 the fiscal year, or annually on a date provided in the bylaws,
693 the association shall prepare and complete, or contract for the
694 preparation and completion of, a financial report for the
695 preceding fiscal year. Within 21 days after the final financial
696 report is completed by the association or received from the
697 third party, but not later than 120 days after the end of the
698 fiscal year or other date as provided in the bylaws, the
699 association shall deliver mail to each unit owner, by United
700 States mail or personal delivery at the mailing address,
701 property address, e-mail address, or facsimile number provided
702 to fulfill the association's notice requirements at the address
703 ~~last furnished to the association by the unit owner, or hand~~
704 ~~deliver to each unit owner,~~ a copy of the most recent financial
705 report or a notice that a copy of the most recent financial
706 report will be mailed or hand delivered to the unit owner,



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707 without charge, within 5 business days after receipt of a
708 written request from the unit owner. The division shall adopt
709 rules setting forth uniform accounting principles and standards
710 to be used by all associations and addressing the financial
711 reporting requirements for multicondominium associations. The
712 rules must include, but not be limited to, standards for
713 presenting a summary of association reserves, including a good
714 faith estimate disclosing the annual amount of reserve funds
715 that would be necessary for the association to fully fund
716 reserves for each reserve item based on the straight-line
717 accounting method. This disclosure is not applicable to reserves
718 funded via the pooling method. In adopting such rules, the
719 division shall consider the number of members and annual
720 revenues of an association. Financial reports shall be prepared
721 as follows:

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

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

730 2. An association with total annual revenues of at least
731 \$300,000, but less than \$500,000, shall prepare reviewed
732 financial statements.

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

735 (b)1. An association with total annual revenues of less



736 than \$150,000 shall prepare a report of cash receipts and
737 expenditures.

738 2. A report of cash receipts and disbursements must
739 disclose the amount of receipts by accounts and receipt
740 classifications and the amount of expenses by accounts and
741 expense classifications, including, but not limited to, the
742 following, as applicable: costs for security, professional and
743 management fees and expenses, taxes, costs for recreation
744 facilities, expenses for refuse collection and utility services,
745 expenses for lawn care, costs for building maintenance and
746 repair, insurance costs, administration and salary expenses, and
747 reserves accumulated and expended for capital expenditures,
748 planned ~~deferred~~ maintenance, and any other category for which
749 the association maintains reserves.

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

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

755 2. Reviewed or audited financial statements, if the
756 association is required to prepare compiled financial
757 statements; or

758 3. Audited financial statements if the association is
759 required to prepare reviewed financial statements.

760 (d) If approved by a majority of the voting interests
761 present at a properly called meeting of the association, an
762 association may prepare:

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



765 2. A report of cash receipts and expenditures or a compiled
766 financial statement in lieu of a reviewed or audited financial
767 statement; or

768 3. A report of cash receipts and expenditures, a compiled
769 financial statement, or a reviewed financial statement in lieu
770 of an audited financial statement.

771
772 Such meeting and approval must occur before the end of the
773 fiscal year and is effective only for the fiscal year in which
774 the vote is taken. An association may not prepare a financial
775 report pursuant to this paragraph for consecutive fiscal years,
776 ~~except that the approval may also be effective for the following~~
777 ~~fiscal year.~~ If the developer has not turned over control of the
778 association, all unit owners, including the developer, may vote
779 on issues related to the preparation of the association's
780 financial reports, from the date of incorporation of the
781 association through the end of the second fiscal year after the
782 fiscal year in which the certificate of a surveyor and mapper is
783 recorded pursuant to s. 718.104(4)(e) or an instrument that
784 transfers title to a unit in the condominium which is not
785 accompanied by a recorded assignment of developer rights in
786 favor of the grantee of such unit is recorded, whichever occurs
787 first. Thereafter, all unit owners except the developer may vote
788 on such issues until control is turned over to the association
789 by the developer. Any audit or review prepared under this
790 section shall be paid for by the developer if done before
791 turnover of control of the association.

792 (e) A unit owner may provide written notice to the division
793 of the association's failure to mail or hand deliver him or her



794 a copy of the most recent financial report within 5 business
795 days after he or she submitted a written request to the
796 association for a copy of such report. If the division
797 determines that the association failed to mail or hand deliver a
798 copy of the most recent financial report to the unit owner, the
799 division shall provide written notice to the association that
800 the association must mail or hand deliver a copy of the most
801 recent financial report to the unit owner and the division
802 within 5 business days after it receives such notice from the
803 division. An association that fails to comply with the
804 division's request may not waive the financial reporting
805 requirement provided in paragraph (d) for the fiscal year in
806 which the unit owner's request was made and the following fiscal
807 year. A financial report received by the division pursuant to
808 this paragraph shall be maintained, and the division shall
809 provide a copy of such report to an association member upon his
810 or her request.

811 (15) DEBIT CARDS.—

812 (a) An association and its officers, directors, employees,
813 and agents may not use a debit card issued in the name of the
814 association, or billed directly to the association, for the
815 payment of any association expense.

816 (b) A person who uses ~~Use of~~ a debit card issued in the
817 name of the association, or billed directly to the association,
818 for any expense that is not a lawful obligation of the
819 association commits theft under s. 812.014. For the purposes of
820 this paragraph, the term "lawful obligation of the association"
821 means an obligation that has been properly preapproved by the
822 board and is reflected in the meeting minutes or the written



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823 ~~budget may be prosecuted as credit card fraud pursuant to s.~~
824 ~~817.61.~~

825 Section 10. Effective January 1, 2026, paragraph (g) of
826 subsection (12) of section 718.111, Florida Statutes, as amended
827 by this act, is amended to read:

828 718.111 The association.—

829 (12) OFFICIAL RECORDS.—

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

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

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

839 (II) A website, application, or web portal operated by a
840 third-party provider with whom the association owns, leases,
841 rents, or otherwise obtains the right to operate a web page,
842 subpage, web portal, collection of subpages or web portals, or
843 an application which is dedicated to the association's
844 activities and on which required notices, records, and documents
845 may be posted or made available by the association.

846 b. The association's website or application must be
847 accessible through the Internet and must contain a subpage, web
848 portal, or other protected electronic location that is
849 inaccessible to the general public and accessible only to unit
850 owners and employees of the association.

851 c. Upon a unit owner's written request, the association



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852 must provide the unit owner with a username and password and
853 access to the protected sections of the association's website or
854 application which contain any notices, records, or documents
855 that must be electronically provided.

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

858 a. The recorded declaration of condominium of each
859 condominium operated by the association and each amendment to
860 each declaration.

861 b. The recorded bylaws of the association and each
862 amendment to the bylaws.

863 c. The articles of incorporation of the association, or
864 other documents creating the association, and each amendment to
865 the articles of incorporation or other documents. The copy
866 posted pursuant to this sub-subparagraph must be a copy of the
867 articles of incorporation filed with the Department of State.

868 d. The rules of the association.

869 e. A list of all executory contracts or documents to which
870 the association is a party or under which the association or the
871 unit owners have an obligation or responsibility and, after
872 bidding for the related materials, equipment, or services has
873 closed, a list of bids received by the association within the
874 past year. Summaries of bids for materials, equipment, or
875 services which exceed \$500 must be maintained on the website or
876 application for 1 year. In lieu of summaries, complete copies of
877 the bids may be posted.

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

880 g. The financial report required by subsection (13) and any



881 monthly income or expense statement to be considered at a
882 meeting.

883 h. The certification of each director required by s.
884 718.112(2)(d)4.b.

885 i. All contracts or transactions between the association
886 and any director, officer, corporation, firm, or association
887 that is not an affiliated condominium association or any other
888 entity in which an association director is also a director or
889 officer and financially interested.

890 j. Any contract or document regarding a conflict of
891 interest or possible conflict of interest as provided in ss.
892 468.4335, 468.436(2)(b)6., and 718.3027(3).

893 k. The notice of any unit owner meeting and the agenda for
894 the meeting, as required by s. 718.112(2)(d)3., no later than 14
895 days before the meeting. The notice must be posted in plain view
896 on the front page of the website or application, or on a
897 separate subpage of the website or application labeled "Notices"
898 which is conspicuously visible and linked from the front page.
899 The association must also post on its website or application any
900 document to be considered and voted on by the owners during the
901 meeting or any document listed on the agenda at least 7 days
902 before the meeting at which the document or the information
903 within the document will be considered.

904 l. Notice of any board meeting, the agenda, and any other
905 document required for the meeting as required by s.
906 718.112(2)(c), which must be posted no later than the date
907 required for notice under s. 718.112(2)(c).

908 m. The inspection reports described in ss. 553.899 and
909 718.301(4)(p) and any other inspection report relating to a



910 structural or life safety inspection of condominium property.

911 n. The association's most recent structural integrity
912 reserve study, if applicable.

913 o. Copies of all building permits issued for ongoing or
914 planned construction.

915 3. The association shall ensure that the information and
916 records described in paragraph (c), which are not allowed to be
917 accessible to unit owners, are not posted on the association's
918 website or application. If protected information or information
919 restricted from being accessible to unit owners is included in
920 documents that are required to be posted on the association's
921 website or application, the association shall ensure the
922 information is redacted before posting the documents.

923 Notwithstanding the foregoing, the association or its agent is
924 not liable for disclosing information that is protected or
925 restricted under this paragraph unless such disclosure was made
926 with a knowing or intentional disregard of the protected or
927 restricted nature of such information.

928 4. The failure of the association to post information
929 required under subparagraph 2. is not in and of itself
930 sufficient to invalidate any action or decision of the
931 association's board or its committees.

932 Section 11. Paragraphs (c), (d), (f), (g), and (q) of
933 subsection (2) of section 718.112, Florida Statutes, are
934 amended, and paragraph (r) is added to that subsection, to read:
935 718.112 Bylaws.—

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



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939 (c) *Board of administration meetings.*—In a residential
940 condominium association of more than 10 units, the board of
941 administration shall meet at least once each quarter. At least
942 four times each year, the meeting agenda must include an
943 opportunity for members to ask questions. Meetings of the board
944 of administration at which a quorum of the members is present
945 are open to all unit owners. Members of the board of
946 administration may use e-mail as a means of communication but
947 may not cast a vote on an association matter via e-mail. A unit
948 owner may tape record or videotape the meetings. The right to
949 attend such meetings includes the right to speak at such
950 meetings with reference to all designated agenda items, and the
951 right to ask questions with respect to reports on the status of
952 construction or repair projects, status of revenues and
953 expenditures during the current fiscal year, and other issues
954 affecting the condominium. The division shall adopt reasonable
955 rules governing the tape recording and videotaping of the
956 meeting. The association may adopt written reasonable rules
957 governing the frequency, duration, and manner of unit owner
958 statements.

959 1. Adequate notice of all board meetings, which must
960 specifically identify all agenda items, must be posted
961 conspicuously on the condominium property at least 48 continuous
962 hours before the meeting except in an emergency. If 20 percent
963 of the voting interests petition the board to address an item of
964 business, the board, within 60 days after receipt of the
965 petition, shall place the item on the agenda at its next regular
966 board meeting or at a special meeting called for that purpose.
967 An item not included on the notice may be taken up on an



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968 emergency basis by a vote of at least a majority plus one of the
969 board members. Such emergency action must be noticed and
970 ratified at the next regular board meeting. Written notice of a
971 meeting at which a nonemergency special assessment or an
972 amendment to rules regarding unit use will be considered must be
973 mailed, delivered, or electronically transmitted to the unit
974 owners and posted conspicuously on the condominium property at
975 least 14 days before the meeting. Evidence of compliance with
976 this 14-day notice requirement must be made by an affidavit
977 executed by the person providing the notice and filed with the
978 official records of the association. ~~Notice of any meeting in
979 which regular or special assessments against unit owners are to
980 be considered must specifically state that assessments will be
981 considered and provide the estimated cost and description of the
982 purposes for such assessments.~~

983 2. Upon notice to the unit owners, the board shall, by duly
984 adopted rule, designate a specific location on the condominium
985 property where all notices of board meetings must be posted. If
986 there is no condominium property where notices can be posted,
987 notices shall be mailed, delivered, or electronically
988 transmitted to each unit owner at least 14 days before the
989 meeting. In lieu of or in addition to the physical posting of
990 the notice on the condominium property, the association may, by
991 reasonable rule, adopt a procedure for conspicuously posting and
992 repeatedly broadcasting the notice and the agenda on a closed-
993 circuit cable television system serving the condominium
994 association. However, if broadcast notice is used in lieu of a
995 notice physically posted on condominium property, the notice and
996 agenda must be broadcast at least four times every broadcast



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997 hour of each day that a posted notice is otherwise required
998 under this section. If broadcast notice is provided, the notice
999 and agenda must be broadcast in a manner and for a sufficient
1000 continuous length of time so as to allow an average reader to
1001 observe the notice and read and comprehend the entire content of
1002 the notice and the agenda. In addition to any of the authorized
1003 means of providing notice of a meeting of the board, the
1004 association may, by rule, adopt a procedure for conspicuously
1005 posting the meeting notice and the agenda on a website serving
1006 the condominium association for at least the minimum period of
1007 time for which a notice of a meeting is also required to be
1008 physically posted on the condominium property. Any rule adopted
1009 shall, in addition to other matters, include a requirement that
1010 the association send an electronic notice in the same manner as
1011 a notice for a meeting of the members, which must include a
1012 hyperlink to the website where the notice is posted, to unit
1013 owners whose e-mail addresses are included in the association's
1014 official records.

1015 3. Notice of any meeting in which regular or special
1016 assessments against unit owners are to be considered must
1017 specifically state that assessments will be considered and
1018 provide the estimated cost and description of the purposes for
1019 such assessments. If an agenda item relates to the approval of a
1020 contract for goods or services, a copy of the contract must be
1021 provided with the notice, made available for inspection and
1022 copying upon a written request from a unit owner, or made
1023 available on the association's website or through an application
1024 that can be downloaded on a mobile device.

1025 4.2- Meetings of a committee to take final action on behalf



1026 of the board or make recommendations to the board regarding the
1027 association budget are subject to this paragraph. Meetings of a
1028 committee that does not take final action on behalf of the board
1029 or make recommendations to the board regarding the association
1030 budget are subject to this section, unless those meetings are
1031 exempted from this section by the bylaws of the association.

1032 ~~5.3.~~ Notwithstanding any other law, the requirement that
1033 board meetings and committee meetings be open to the unit owners
1034 does not apply to:

1035 a. Meetings between the board or a committee and the
1036 association's attorney, with respect to proposed or pending
1037 litigation, if the meeting is held for the purpose of seeking or
1038 rendering legal advice; or

1039 b. Board meetings held for the purpose of discussing
1040 personnel matters.

1041 (d) *Unit owner meetings.*—

1042 1. An annual meeting of the unit owners must be held at the
1043 location provided in the association bylaws and, if the bylaws
1044 are silent as to the location, the meeting must be held within
1045 45 miles of the condominium property. However, such distance
1046 requirement does not apply to an association governing a
1047 timeshare condominium.

1048 2. Unless the bylaws provide otherwise, a vacancy on the
1049 board caused by the expiration of a director's term must be
1050 filled by electing a new board member, and the election must be
1051 by secret ballot. An election is not required if the number of
1052 vacancies equals or exceeds the number of candidates. For
1053 purposes of this paragraph, the term "candidate" means an
1054 eligible person who has timely submitted the written notice, as



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1055 described in sub-subparagraph 4.a., of his or her intention to
1056 become a candidate. Except in a timeshare or nonresidential
1057 condominium, or if the staggered term of a board member does not
1058 expire until a later annual meeting, or if all members' terms
1059 would otherwise expire but there are no candidates, the terms of
1060 all board members expire at the annual meeting, and such members
1061 may stand for reelection unless prohibited by the bylaws. Board
1062 members may serve terms longer than 1 year if permitted by the
1063 bylaws or articles of incorporation. A board member may not
1064 serve more than 8 consecutive years unless approved by an
1065 affirmative vote of unit owners representing two-thirds of all
1066 votes cast in the election or unless there are not enough
1067 eligible candidates to fill the vacancies on the board at the
1068 time of the vacancy. Only board service that occurs on or after
1069 July 1, 2018, may be used when calculating a board member's term
1070 limit. If the number of board members whose terms expire at the
1071 annual meeting equals or exceeds the number of candidates, the
1072 candidates become members of the board effective upon the
1073 adjournment of the annual meeting. Unless the bylaws provide
1074 otherwise, any remaining vacancies shall be filled by the
1075 affirmative vote of the majority of the directors making up the
1076 newly constituted board even if the directors constitute less
1077 than a quorum or there is only one director. In a residential
1078 condominium association of more than 10 units or in a
1079 residential condominium association that does not include
1080 timeshare units or timeshare interests, co-owners of a unit may
1081 not serve as members of the board of directors at the same time
1082 unless they own more than one unit or unless there are not
1083 enough eligible candidates to fill the vacancies on the board at



1084 the time of the vacancy. A unit owner in a residential
1085 condominium desiring to be a candidate for board membership must
1086 comply with sub-subparagraph 4.a. and must be eligible to be a
1087 candidate to serve on the board of directors at the time of the
1088 deadline for submitting a notice of intent to run in order to
1089 have his or her name listed as a proper candidate on the ballot
1090 or to serve on the board. A person who has been suspended or
1091 removed by the division under this chapter, or who is delinquent
1092 in the payment of any assessment due to the association, is not
1093 eligible to be a candidate for board membership and may not be
1094 listed on the ballot. For purposes of this paragraph, a person
1095 is delinquent if a payment is not made by the due date as
1096 specifically identified in the declaration of condominium,
1097 bylaws, or articles of incorporation. If a due date is not
1098 specifically identified in the declaration of condominium,
1099 bylaws, or articles of incorporation, the due date is the first
1100 day of the assessment period. A person who has been convicted of
1101 any felony in this state or in a United States District or
1102 Territorial Court, or who has been convicted of any offense in
1103 another jurisdiction which would be considered a felony if
1104 committed in this state, is not eligible for board membership
1105 unless such felon's civil rights have been restored for at least
1106 5 years as of the date such person seeks election to the board.
1107 The validity of an action by the board is not affected if it is
1108 later determined that a board member is ineligible for board
1109 membership due to having been convicted of a felony. This
1110 subparagraph does not limit the term of a member of the board of
1111 a nonresidential or timeshare condominium.

1112 3. The bylaws must provide the method of calling meetings



1113 of unit owners, including annual meetings. Written notice of an
1114 annual meeting must include an agenda; be mailed, hand
1115 delivered, or electronically transmitted to each unit owner at
1116 least 14 days before the annual meeting; and be posted in a
1117 conspicuous place on the condominium property or association
1118 property at least 14 continuous days before the annual meeting.
1119 Written notice of a meeting other than an annual meeting must
1120 include an agenda; be mailed, hand delivered, or electronically
1121 transmitted to each unit owner; and be posted in a conspicuous
1122 place on the condominium property or association property within
1123 the timeframe specified in the bylaws. If the bylaws do not
1124 specify a timeframe for written notice of a meeting other than
1125 an annual meeting, notice must be provided at least 14
1126 continuous days before the meeting. Upon notice to the unit
1127 owners, the board shall, by duly adopted rule, designate a
1128 specific location on the condominium property or association
1129 property where all notices of unit owner meetings must be
1130 posted. This requirement does not apply if there is no
1131 condominium property for posting notices. In lieu of, or in
1132 addition to, the physical posting of meeting notices, the
1133 association may, by reasonable rule, adopt a procedure for
1134 conspicuously posting and repeatedly broadcasting the notice and
1135 the agenda on a closed-circuit cable television system serving
1136 the condominium association. However, if broadcast notice is
1137 used in lieu of a notice posted physically on the condominium
1138 property, the notice and agenda must be broadcast at least four
1139 times every broadcast hour of each day that a posted notice is
1140 otherwise required under this section. If broadcast notice is
1141 provided, the notice and agenda must be broadcast in a manner



1142 and for a sufficient continuous length of time so as to allow an
1143 average reader to observe the notice and read and comprehend the
1144 entire content of the notice and the agenda. In addition to any
1145 of the authorized means of providing notice of a meeting of the
1146 board, the association may, by rule, adopt a procedure for
1147 conspicuously posting the meeting notice and the agenda on a
1148 website serving the condominium association for at least the
1149 minimum period of time for which a notice of a meeting is also
1150 required to be physically posted on the condominium property.
1151 Any rule adopted shall, in addition to other matters, include a
1152 requirement that the association send an electronic notice in
1153 the same manner as a notice for a meeting of the members, which
1154 must include a hyperlink to the website where the notice is
1155 posted, to unit owners whose e-mail addresses are included in
1156 the association's official records. Unless a unit owner waives
1157 in writing the right to receive notice of the annual meeting,
1158 such notice must be hand delivered, mailed, or electronically
1159 transmitted to each unit owner. Notice for meetings and notice
1160 for all other purposes must be mailed to each unit owner at the
1161 address last furnished to the association by the unit owner, or
1162 hand delivered to each unit owner. However, if a unit is owned
1163 by more than one person, the association must provide notice to
1164 the address that the developer identifies for that purpose and
1165 thereafter as one or more of the owners of the unit advise the
1166 association in writing, or if no address is given or the owners
1167 of the unit do not agree, to the address provided on the deed of
1168 record. An officer of the association, or the manager or other
1169 person providing notice of the association meeting, must provide
1170 an affidavit or United States Postal Service certificate of



1171 mailing, to be included in the official records of the
1172 association affirming that the notice was mailed or hand
1173 delivered in accordance with this provision.

1174 4. The members of the board of a residential condominium
1175 shall be elected by written ballot or voting machine. Proxies
1176 may not be used in electing the board in general elections or
1177 elections to fill vacancies caused by recall, resignation, or
1178 otherwise, unless otherwise provided in this chapter. This
1179 subparagraph does not apply to an association governing a
1180 timeshare condominium.

1181 a. At least 60 days before a scheduled election, the
1182 association shall mail, deliver, or electronically transmit, by
1183 separate association mailing or included in another association
1184 mailing, delivery, or transmission, including regularly
1185 published newsletters, to each unit owner entitled to a vote, a
1186 first notice of the date of the election. A unit owner or other
1187 eligible person desiring to be a candidate for the board must
1188 give written notice of his or her intent to be a candidate to
1189 the association at least 40 days before a scheduled election.
1190 Together with the written notice and agenda as set forth in
1191 subparagraph 3., the association shall mail, deliver, or
1192 electronically transmit a second notice of the election to all
1193 unit owners entitled to vote, together with a ballot that lists
1194 all candidates not less than 14 days or more than 34 days before
1195 the date of the election. Upon request of a candidate, an
1196 information sheet, no larger than 8 1/2 inches by 11 inches,
1197 which must be furnished by the candidate at least 35 days before
1198 the election, must be included with the mailing, delivery, or
1199 transmission of the ballot, with the costs of mailing, delivery,



1200 or electronic transmission and copying to be borne by the
1201 association. The association is not liable for the contents of
1202 the information sheets prepared by the candidates. In order to
1203 reduce costs, the association may print or duplicate the
1204 information sheets on both sides of the paper. The division
1205 shall by rule establish voting procedures consistent with this
1206 sub-subparagraph, including rules establishing procedures for
1207 giving notice by electronic transmission and rules providing for
1208 the secrecy of ballots. Elections shall be decided by a
1209 plurality of ballots cast. There is no quorum requirement;
1210 however, at least 20 percent of the eligible voters must cast a
1211 ballot in order to have a valid election. A unit owner may not
1212 authorize any other person to vote his or her ballot, and any
1213 ballots improperly cast are invalid. A unit owner who violates
1214 this provision may be fined by the association in accordance
1215 with s. 718.303. A unit owner who needs assistance in casting
1216 the ballot for the reasons stated in s. 101.051 may obtain such
1217 assistance. The regular election must occur on the date of the
1218 annual meeting. Notwithstanding this sub-subparagraph, an
1219 election is not required unless more candidates file notices of
1220 intent to run or are nominated than board vacancies exist.

1221 b. A director of a ~~Within 90 days after being elected or~~
1222 ~~appointed to the~~ board of an association of a residential
1223 ~~condominium, each newly elected or appointed director shall:~~

1224 (I) Certify in writing to the secretary of the association
1225 that he or she has read the association's declaration of
1226 condominium, articles of incorporation, bylaws, and current
1227 written policies; that he or she will work to uphold such
1228 documents and policies to the best of his or her ability; and



1229 that he or she will faithfully discharge his or her fiduciary
1230 responsibility to the association's members. ~~In lieu of this~~
1231 ~~written certification, within 90 days after being elected or~~
1232 ~~appointed to the board, the newly elected or appointed director~~
1233 ~~may~~

1234 (II) Submit to the secretary of the association a
1235 certificate of having satisfactorily completed the educational
1236 curriculum administered by the division or a division-approved
1237 condominium education provider within 1 year before or 90 days
1238 after the date of election or appointment. The education
1239 curriculum must be least 4 hours long and include instruction on
1240 milestone inspections, structural integrity reserve studies,
1241 elections, recordkeeping, financial literacy and transparency,
1242 levying of fines, and notice and meeting requirements.

1243
1244 Each newly elected or appointed director must submit the written
1245 certification and educational certificate to the secretary of
1246 the association within 1 year before being elected or appointed
1247 or within 90 days after the date of election or appointment. A
1248 director of an association of a residential condominium who was
1249 elected or appointed before July 1, 2024, shall comply with the
1250 written certification and educational certificate requirements
1251 in this sub-subparagraph by June 30, 2025. The written
1252 certification and ~~or~~ educational certificate is valid for 7
1253 years from the date of issuance and does not have to be
1254 resubmitted as long as the director serves on the board without
1255 interruption during the 7-year period. A director who is
1256 appointed by the developer may satisfy the educational
1257 certificate requirement in sub-sub-subparagraph (II) for any



1258 subsequent appointment to a board by a developer within 7 years
1259 after the date of issuance of the most recent educational
1260 certificate, including any interruption of service on a board or
1261 an appointment to a board in another association within that 7-
1262 year period. Additionally, 1 year after submission of the most
1263 recent written certification and educational certificate, and
1264 annually thereafter, a director of an association of a
1265 residential condominium must submit to the secretary of the
1266 association a certificate of having satisfactorily completed an
1267 educational curriculum administered by a division-approved
1268 condominium education provider, relating to any recent changes
1269 to this chapter and the related administrative rules, during the
1270 past year. The cost of a required educational curriculum and
1271 certificate is an expense of the association which the
1272 association may pay on behalf of the director or reimburse the
1273 director for his or her expense. A director of an association of
1274 a residential condominium who fails to timely file the written
1275 certification and ~~or~~ educational certificate is suspended from
1276 service on the board until he or she complies with this sub-
1277 subparagraph. The board may temporarily fill the vacancy during
1278 the period of suspension. The secretary shall cause the
1279 association to retain a director's written certification and ~~or~~
1280 educational certificate for inspection by the members for 7 ~~5~~
1281 years after a director's election or the duration of the
1282 director's uninterrupted tenure, whichever is longer. Failure to
1283 have such written certification and ~~or~~ educational certificate
1284 on file does not affect the validity of any board action.

1285 c. Any challenge to the election process must be commenced
1286 within 60 days after the election results are announced.



1287 5. Any approval by unit owners called for by this chapter
1288 or the applicable declaration or bylaws, including, but not
1289 limited to, the approval requirement in s. 718.111(8), must be
1290 made at a duly noticed meeting of unit owners and is subject to
1291 all requirements of this chapter or the applicable condominium
1292 documents relating to unit owner decisionmaking, except that
1293 unit owners may take action by written agreement, without
1294 meetings, on matters for which action by written agreement
1295 without meetings is expressly allowed by the applicable bylaws
1296 or declaration or any law that provides for such action.

1297 6. Unit owners may waive notice of specific meetings if
1298 allowed by the applicable bylaws or declaration or any law.
1299 Notice of meetings of the board of administration; unit owner
1300 meetings, except unit owner meetings called to recall board
1301 members under paragraph (1); and committee meetings may be given
1302 by electronic transmission to unit owners who consent to receive
1303 notice by electronic transmission. A unit owner who consents to
1304 receiving notices by electronic transmission is solely
1305 responsible for removing or bypassing filters that block receipt
1306 of mass e-mails sent to members on behalf of the association in
1307 the course of giving electronic notices.

1308 7. Unit owners have the right to participate in meetings of
1309 unit owners with reference to all designated agenda items.
1310 However, the association may adopt reasonable rules governing
1311 the frequency, duration, and manner of unit owner participation.

1312 8. A unit owner may tape record or videotape a meeting of
1313 the unit owners subject to reasonable rules adopted by the
1314 division.

1315 9. Unless otherwise provided in the bylaws, any vacancy



1316 occurring on the board before the expiration of a term may be
1317 filled by the affirmative vote of the majority of the remaining
1318 directors, even if the remaining directors constitute less than
1319 a quorum, or by the sole remaining director. In the alternative,
1320 a board may hold an election to fill the vacancy, in which case
1321 the election procedures must conform to sub-subparagraph 4.a.
1322 unless the association governs 10 units or fewer and has opted
1323 out of the statutory election process, in which case the bylaws
1324 of the association control. Unless otherwise provided in the
1325 bylaws, a board member appointed or elected under this section
1326 shall fill the vacancy for the unexpired term of the seat being
1327 filled. Filling vacancies created by recall is governed by
1328 paragraph (1) and rules adopted by the division.

1329 10. This chapter does not limit the use of general or
1330 limited proxies, require the use of general or limited proxies,
1331 or require the use of a written ballot or voting machine for any
1332 agenda item or election at any meeting of a timeshare
1333 condominium association or nonresidential condominium
1334 association.

1335
1336 Notwithstanding subparagraph (b)2. and sub-subparagraph 4.a., an
1337 association of 10 or fewer units may, by affirmative vote of a
1338 majority of the total voting interests, provide for different
1339 voting and election procedures in its bylaws, which may be by a
1340 proxy specifically delineating the different voting and election
1341 procedures. The different voting and election procedures may
1342 provide for elections to be conducted by limited or general
1343 proxy.

1344 (f) *Annual budget.*—



1345 1. The proposed annual budget of estimated revenues and
1346 expenses must be detailed and must show the amounts budgeted by
1347 accounts and expense classifications, including, at a minimum,
1348 any applicable expenses listed in s. 718.504(21). The board
1349 shall adopt the annual budget at least 14 days before the start
1350 of the association's fiscal year. In the event that the board
1351 fails to timely adopt the annual budget a second time, it is
1352 deemed a minor violation and the prior year's budget shall
1353 continue in effect until a new budget is adopted. A
1354 multicondominium association must adopt a separate budget of
1355 common expenses for each condominium the association operates
1356 and must adopt a separate budget of common expenses for the
1357 association. In addition, if the association maintains limited
1358 common elements with the cost to be shared only by those
1359 entitled to use the limited common elements as provided for in
1360 s. 718.113(1), the budget or a schedule attached to it must show
1361 the amount budgeted for this maintenance. If, after turnover of
1362 control of the association to the unit owners, any of the
1363 expenses listed in s. 718.504(21) are not applicable, they do
1364 not need to be listed.

1365 2.a. In addition to annual operating expenses, the budget
1366 must include reserve accounts for capital expenditures and
1367 planned ~~deferred~~ maintenance. These accounts must include, but
1368 are not limited to, roof replacement, building painting, and
1369 pavement resurfacing, regardless of the amount of planned
1370 ~~deferred~~ maintenance expense or replacement cost, and any other
1371 item that has a planned ~~deferred~~ maintenance expense or
1372 replacement cost that exceeds \$10,000. The amount to be reserved
1373 must be computed using a formula based upon estimated remaining



1374 useful life and estimated replacement cost or planned ~~deferred~~
1375 maintenance expense of the reserve item. In a budget adopted by
1376 an association that is required to obtain a structural integrity
1377 reserve study, reserves must be maintained for the items
1378 identified in paragraph (g) for which the association is
1379 responsible pursuant to the declaration of condominium, and the
1380 reserve amount for such items must be based on the findings and
1381 recommendations of the association's most recent structural
1382 integrity reserve study. With respect to items for which an
1383 estimate of useful life is not readily ascertainable or with an
1384 estimated remaining useful life of greater than 25 years, an
1385 association is not required to reserve replacement costs for
1386 such items, but an association must reserve the amount of
1387 planned ~~deferred~~ maintenance expense, if any, which is
1388 recommended by the structural integrity reserve study for such
1389 items. The association may adjust replacement reserve
1390 assessments annually to take into account an inflation
1391 adjustment and any changes in estimates or extension of the
1392 useful life of a reserve item caused by planned ~~deferred~~
1393 maintenance. The members of a unit-owner-controlled association
1394 may determine, by a majority vote of the total voting interests
1395 of the association, to provide no reserves or less reserves than
1396 required by this subsection. For a budget adopted on or after
1397 December 31, 2024, the members of a unit-owner-controlled
1398 association that must obtain a structural integrity reserve
1399 study may not determine to provide no reserves or less reserves
1400 than required by this subsection for items listed in paragraph
1401 (g), except that members of an association operating a
1402 multicondominium may determine to provide no reserves or less



1403 reserves than required by this subsection if an alternative
1404 funding method has been approved by the division. If the local
1405 building official, as defined in s. 468.603, determines that the
1406 entire condominium building is uninhabitable due to a natural
1407 emergency, as defined in s. 252.34, the board, upon the approval
1408 of a majority of its members, may pause the contribution to its
1409 reserves or reduce reserve funding until the local building
1410 official determines that the condominium building is habitable.
1411 Any reserve account funds held by the association may be
1412 expended, pursuant to the board's determination, to make the
1413 condominium building and its structures habitable. Upon the
1414 determination by the local building official that the
1415 condominium building and its structures are habitable, the
1416 association must immediately resume contributing funds to its
1417 reserves.

1418 b. Before turnover of control of an association by a
1419 developer to unit owners other than a developer under s.
1420 718.301, the developer-controlled association may not vote to
1421 waive the reserves or reduce funding of the reserves. If a
1422 meeting of the unit owners has been called to determine whether
1423 to waive or reduce the funding of reserves and no such result is
1424 achieved or a quorum is not attained, the reserves included in
1425 the budget shall go into effect. After the turnover, the
1426 developer may vote its voting interest to waive or reduce the
1427 funding of reserves.

1428 3. Reserve funds and any interest accruing thereon shall
1429 remain in the reserve account or accounts, and may be used only
1430 for authorized reserve expenditures unless their use for other
1431 purposes is approved in advance by a majority vote of all the



1432 total voting interests of the association. Before turnover of
1433 control of an association by a developer to unit owners other
1434 than the developer pursuant to s. 718.301, the developer-
1435 controlled association may not vote to use reserves for purposes
1436 other than those for which they were intended. For a budget
1437 adopted on or after December 31, 2024, members of a unit-owner-
1438 controlled association that must obtain a structural integrity
1439 reserve study may not vote to use reserve funds, or any interest
1440 accruing thereon, for any other purpose other than the
1441 replacement or planned ~~deferred~~ maintenance costs of the
1442 components listed in paragraph (g).

1443 4. The only voting interests that are eligible to vote on
1444 questions that involve waiving or reducing the funding of
1445 reserves, or using existing reserve funds for purposes other
1446 than purposes for which the reserves were intended, are the
1447 voting interests of the units subject to assessment to fund the
1448 reserves in question. Proxy questions relating to waiving or
1449 reducing the funding of reserves or using existing reserve funds
1450 for purposes other than purposes for which the reserves were
1451 intended must contain the following statement in capitalized,
1452 bold letters in a font size larger than any other used on the
1453 face of the proxy ballot: WAIVING OF RESERVES, IN WHOLE OR IN
1454 PART, OR ALLOWING ALTERNATIVE USES OF EXISTING RESERVES MAY
1455 RESULT IN UNIT OWNER LIABILITY FOR PAYMENT OF UNANTICIPATED
1456 SPECIAL ASSESSMENTS REGARDING THOSE ITEMS.

1457 (g) *Structural integrity reserve study.*—

1458 1. A residential condominium association must have a
1459 structural integrity reserve study completed at least every 10
1460 years after the condominium's creation for each building on the



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1461 condominium property that is three stories or higher in height,
1462 as determined by the Florida Building Code, which includes, at a
1463 minimum, a study of the following items as related to the
1464 structural integrity and safety of the building:

1465 a. Roof.

1466 b. Structure, including load-bearing walls and other
1467 primary structural members and primary structural systems as
1468 those terms are defined in s. 627.706.

1469 c. Fireproofing and fire protection systems.

1470 d. Plumbing.

1471 e. Electrical systems.

1472 f. Waterproofing and exterior painting.

1473 g. Windows and exterior doors.

1474 h. Any other item that has a planned ~~deferred~~ maintenance
1475 expense or replacement cost that exceeds \$10,000 and the failure
1476 to replace or maintain such item negatively affects the items
1477 listed in sub-subparagraphs a.-g., as determined by the visual
1478 inspection portion of the structural integrity reserve study.

1479 2. A structural integrity reserve study is based on a
1480 visual inspection of the condominium property. A structural
1481 integrity reserve study may be performed by any person qualified
1482 to perform such study. However, the visual inspection portion of
1483 the structural integrity reserve study must be performed or
1484 verified by an engineer licensed under chapter 471, an architect
1485 licensed under chapter 481, or a person certified as a reserve
1486 specialist or professional reserve analyst by the Community
1487 Associations Institute or the Association of Professional
1488 Reserve Analysts.

1489 3. At a minimum, a structural integrity reserve study must



1490 identify each item of the condominium property being visually
1491 inspected, state the estimated remaining useful life and the
1492 estimated replacement cost or planned ~~deferred~~ maintenance
1493 expense of each item of the condominium property being visually
1494 inspected, and provide a reserve funding schedule with a
1495 recommended annual reserve amount that achieves the estimated
1496 replacement cost or planned ~~deferred~~ maintenance expense of each
1497 item of condominium property being visually inspected by the end
1498 of the estimated remaining useful life of the item. The
1499 structural integrity reserve study may recommend that reserves
1500 do not need to be maintained for any item for which an estimate
1501 of useful life and an estimate of replacement cost cannot be
1502 determined, or the study may recommend a planned ~~deferred~~
1503 maintenance expense amount for such item. The structural
1504 integrity reserve study may recommend that reserves for
1505 replacement costs do not need to be maintained for any item with
1506 an estimated remaining useful life of greater than 25 years, but
1507 the study may recommend a planned ~~deferred~~ maintenance expense
1508 amount for such item.

1509 4. This paragraph does not apply to buildings less than
1510 three stories in height; single-family, two-family, or three-
1511 family dwellings with three or fewer habitable stories above
1512 ground; any portion or component of a building that has not been
1513 submitted to the condominium form of ownership; or any portion
1514 or component of a building that is maintained by a party other
1515 than the association.

1516 5. Before a developer turns over control of an association
1517 to unit owners other than the developer, the developer must have
1518 a turnover inspection report in compliance with s. 718.301(4)(p)



1519 and (q) for each building on the condominium property that is
1520 three stories or higher in height.

1521 6. Associations existing on or before July 1, 2022, which
1522 are controlled by unit owners other than the developer, must
1523 have a structural integrity reserve study completed by December
1524 31, 2024, for each building on the condominium property that is
1525 three stories or higher in height. An association that is
1526 required to complete a milestone inspection in accordance with
1527 s. 553.899 on or before December 31, 2026, may complete the
1528 structural integrity reserve study simultaneously with the
1529 milestone inspection. In no event may the structural integrity
1530 reserve study be completed after December 31, 2026.

1531 7. If the milestone inspection required by s. 553.899, or
1532 an inspection completed for a similar local requirement, was
1533 performed within the past 5 years and meets the requirements of
1534 this paragraph, such inspection may be used in place of the
1535 visual inspection portion of the structural integrity reserve
1536 study.

1537 8. If the officers or directors of an association willfully
1538 and knowingly fail to complete a structural integrity reserve
1539 study pursuant to this paragraph, such failure is a breach of an
1540 officer's and director's fiduciary relationship to the unit
1541 owners under s. 718.111(1).

1542 9. Within 45 days after receiving the structural integrity
1543 reserve study, the association must distribute a copy of the
1544 study to each unit owner or deliver to each unit owner a notice
1545 that the completed study is available for inspection and copying
1546 upon a written request. Distribution of a copy of the study or
1547 notice must be made by United States mail or personal delivery



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1548 at the mailing address, property address, or any other address
1549 of the owner provided to fulfill the association's notice
1550 requirements under this chapter, or by electronic transmission
1551 to the e-mail address or facsimile number provided to fulfill
1552 the association's notice requirements to unit owners who
1553 previously consented to receive notice by electronic
1554 transmission.

1555 10. Within 45 days after receiving the structural integrity
1556 reserve study, the association must provide the division with a
1557 statement indicating that such study was completed and that the
1558 association provided or made such study available to each unit
1559 owner in accordance with this section. Such statement shall be
1560 provided to the division in the manner provided by the division
1561 using a form posted on the division's website.

1562 (q) Director or officer offenses.—

1563 1. A director or an officer charged by information or
1564 indictment with any of the following crimes is deemed removed
1565 from office and a vacancy declared:

1566 a. Forgery of a ballot envelope or voting certificate used
1567 in a condominium association election as provided in s. 831.01.

1568 b. Theft or embezzlement involving the association's funds
1569 or property as provided in s. 812.014.

1570 c. Destruction of, or the refusal to allow inspection or
1571 copying of, an official record of a condominium association
1572 which is accessible to unit owners within the time periods
1573 required by general law, in furtherance of any crime. Such act
1574 constitutes tampering with physical evidence as provided in s.
1575 918.13.

1576 d. Obstruction of justice under chapter 843.



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1577 e. Any criminal violation under this chapter.
1578 2. The board shall fill the vacancy in accordance with
1579 paragraph (d) a felony theft or embezzlement offense involving
1580 the association's funds or property must be removed from office,
1581 creating a vacancy in the office to be filled according to law
1582 until the end of the period of the suspension or the end of the
1583 director's term of office, whichever occurs first. While such
1584 director or officer has such criminal charge pending, he or she
1585 may not be appointed or elected to a position as a director or
1586 an officer of any association and may not have access to the
1587 official records of any association, except pursuant to a court
1588 order. However, if the charges are resolved without a finding of
1589 guilt, the director or officer shall be reinstated for the
1590 remainder of his or her term of office, if any.

1591 (r) *Fraudulent voting activities relating to association*
1592 *elections; penalties.*

1593 1. A person who engages in the following acts of fraudulent
1594 voting activity relating to association elections commits a
1595 misdemeanor of the first degree, punishable as provided in s.
1596 775.082 or s. 775.083:

1597 a. Willfully and falsely swearing to or affirming an oath
1598 or affirmation, or willfully procuring another person to falsely
1599 swear to or affirm an oath or affirmation, in connection with or
1600 arising out of voting activities.

1601 b. Perpetrating or attempting to perpetrate, or aiding in
1602 the perpetration of, fraud in connection with a vote cast, to be
1603 cast, or attempted to be cast.

1604 c. Preventing a member from voting or preventing a member
1605 from voting as he or she intended by fraudulently changing or



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1606 attempting to change a ballot, ballot envelope, vote, or voting
1607 certificate of the member.

1608 d. Menacing, threatening, or using bribery or any other
1609 corruption to attempt, directly or indirectly, to influence,
1610 deceive, or deter a member when the member is voting.

1611 e. Giving or promising, directly or indirectly, anything of
1612 value to another member with the intent to buy the vote of that
1613 member or another member or to corruptly influence that member
1614 or another member in casting his or her vote. This sub-
1615 paragraph does not apply to any food served which is to be
1616 consumed at an election rally or a meeting or to any item of
1617 nominal value which is used as an election advertisement,
1618 including a campaign message designed to be worn by a member.

1619 f. Using or threatening to use, directly or indirectly,
1620 force, violence, or intimidation or any tactic of coercion or
1621 intimidation to induce or compel a member to vote or refrain
1622 from voting in an election or on a particular ballot measure.

1623 2. Each of the following acts constitutes a misdemeanor of
1624 the first degree, punishable as provided in s. 775.082 or s.
1625 775.083:

1626 a. Knowingly aiding, abetting, or advising a person in the
1627 commission of a fraudulent voting activity related to
1628 association elections.

1629 b. Agreeing, conspiring, combining, or confederating with
1630 at least one other person to commit a fraudulent voting activity
1631 related to association elections.

1632 c. Having knowledge of a fraudulent voting activity related
1633 to association elections and giving any aid to the offender with
1634 intent that the offender avoid or escape detection, arrest,



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1635 trial, or punishment.

1636

1637 This subparagraph does not apply to a licensed attorney giving
1638 legal advice to a client.

1639 3. Any person charged by information or indictment for any
1640 of the crimes in this paragraph shall be deemed removed from
1641 office and a vacancy declared.

1642 Section 12. Subsection (5) of section 718.113, Florida
1643 Statutes, is amended to read:

1644 718.113 Maintenance; limitation upon improvement; display
1645 of flag; hurricane ~~shutters~~ and protection; display of religious
1646 decorations.-

1647 (5) To protect the health, safety, and welfare of the
1648 people of this state and to ensure uniformity and consistency in
1649 the hurricane protections installed by condominium associations
1650 and unit owners, this subsection applies to all residential and
1651 mixed-use condominiums in this state, regardless of when the
1652 condominium is created pursuant to the declaration of
1653 condominium. Each board of administration of a residential
1654 condominium or mixed-use condominium shall adopt hurricane
1655 protection ~~shutter~~ specifications for each building within each
1656 condominium operated by the association which may ~~shall~~ include
1657 color, style, and other factors deemed relevant by the board.
1658 All specifications adopted by the board must comply with the
1659 applicable building code. The installation, maintenance, repair,
1660 replacement, and operation of hurricane protection in accordance
1661 with this subsection is not considered a material alteration or
1662 substantial addition to the common elements or association
1663 property within the meaning of this section.



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1664 (a) The board may, subject to s. 718.3026 and the approval
1665 of a majority of voting interests of the residential condominium
1666 or mixed-use condominium, install or require that unit owners
1667 install hurricane shutters, impact glass, code-compliant windows
1668 or doors, or other types of code-compliant hurricane protection
1669 that complies ~~comply~~ with or exceeds ~~exceed~~ the applicable
1670 building code. A vote of the unit owners to require the
1671 installation of hurricane protection must be set forth in a
1672 certificate attesting to such vote and include the date by which
1673 the hurricane protection must be installed. The board must
1674 record the certificate in the public records of the county where
1675 the condominium is located. The certificate must include the
1676 recording data identifying the declaration of condominium and
1677 must be executed in the form required for the execution of a
1678 deed. Once the certificate is recorded, the board must mail or
1679 hand deliver a copy of the recorded certificate to the unit
1680 owners at the owners' addresses, as reflected in the records of
1681 the association. The board may provide a copy of the recorded
1682 certificate by electronic transmission to unit owners who
1683 previously consented to receive notice by electronic
1684 transmission. The failure to record the certificate or send a
1685 copy of the recorded certificate to the unit owners does not
1686 affect the validity or enforceability of the vote of the unit
1687 owners. ~~However,~~ A vote of the unit owners under this paragraph
1688 is not required if the installation, maintenance, repair, and
1689 replacement of the hurricane shutters, impact glass, code-
1690 compliant windows or doors, or other types of code-compliant
1691 hurricane protection, or any exterior windows, doors, or other
1692 apertures protected by the hurricane protection, is ~~are~~ the



1693 responsibility of the association pursuant to the declaration of
1694 condominium as originally recorded or as amended, or if the unit
1695 owners are required to install hurricane protection pursuant to
1696 the declaration of condominium as originally recorded or as
1697 amended. If hurricane protection ~~or laminated glass or window~~
1698 ~~film architecturally designed to function as hurricane~~
1699 ~~protection~~ that complies with or exceeds the current applicable
1700 building code has been previously installed, the board may not
1701 install the same type of hurricane shutters, impact glass, code-
1702 compliant windows or doors, or other types of code-compliant
1703 hurricane protection or require that unit owners install the
1704 same type of hurricane protection unless the installed hurricane
1705 protection has reached the end of its useful life or unless it
1706 is necessary to prevent damage to the common elements or to a
1707 unit except upon approval by a majority vote of the voting
1708 interests.

1709 ~~(b) The association is responsible for the maintenance,~~
1710 ~~repair, and replacement of the hurricane shutters, impact glass,~~
1711 ~~code-compliant windows or doors, or other types of code-~~
1712 ~~compliant hurricane protection authorized by this subsection if~~
1713 ~~such property is the responsibility of the association pursuant~~
1714 ~~to the declaration of condominium. If the hurricane shutters,~~
1715 ~~impact glass, code-compliant windows or doors, or other types of~~
1716 ~~code-compliant hurricane protection are the responsibility of~~
1717 ~~the unit owners pursuant to the declaration of condominium, the~~
1718 ~~maintenance, repair, and replacement of such items are the~~
1719 ~~responsibility of the unit owner.~~

1720 ~~(b)(e) The board may operate shutters, impact glass, code-~~
1721 ~~compliant windows or doors, or other types of code-compliant~~



1722 hurricane protection ~~installed pursuant to this subsection~~
1723 without permission of the unit owners only if such operation is
1724 necessary to preserve and protect the condominium property or
1725 ~~and~~ association property. ~~The installation, replacement,~~
1726 ~~operation, repair, and maintenance of such shutters, impact~~
1727 ~~glass, code-compliant windows or doors, or other types of code-~~
1728 ~~compliant hurricane protection in accordance with the procedures~~
1729 ~~set forth in this paragraph are not a material alteration to the~~
1730 ~~common elements or association property within the meaning of~~
1731 ~~this section.~~

1732 (c)(d) Notwithstanding any other provision in the
1733 residential condominium or mixed-use condominium documents, if
1734 approval is required by the documents, a board may not refuse to
1735 approve the installation or replacement of ~~hurricane shutters,~~
1736 ~~impact glass, code-compliant windows or doors, or other types of~~
1737 ~~code-compliant~~ hurricane protection by a unit owner which
1738 conforms conforming to the specifications adopted by the board.
1739 However, a board may require the unit owner to adhere to an
1740 existing unified building scheme regarding the external
1741 appearance of the condominium.

1742 (d) A unit owner is not responsible for the cost of any
1743 removal or reinstallation of hurricane protection, including any
1744 exterior window, door, or other aperture protected by the
1745 hurricane protection, if its removal is necessary for the
1746 maintenance, repair, or replacement of other condominium
1747 property or association property for which the association is
1748 responsible. The board shall determine whether the removal or
1749 reinstallation of hurricane protection must be completed by the
1750 unit owner or the association. If such removal or reinstallation



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1751 is completed by the association, the costs incurred by the
1752 association may not be charged to the unit owner. If such
1753 removal or reinstallation is completed by the unit owner, the
1754 association must reimburse the unit owner for the cost of the
1755 removal or reinstallation or the association must apply the unit
1756 owner's cost of removal or reinstallation as a credit toward
1757 future assessments.

1758 (e) If the removal or installation of hurricane protection,
1759 including any exterior windows, doors, or other apertures
1760 protected by the hurricane protection is the responsibility of
1761 the unit owner, such removal or installation is completed by the
1762 association, and the association then charges the unit owner for
1763 such removal or installation, such charges are enforceable as an
1764 assessment and may be collected in the manner provided under s.
1765 718.116.

1766 Section 13. Paragraph (e) of subsection (1) of section
1767 718.115, Florida Statutes, is amended to read:

1768 718.115 Common expenses and common surplus.—

1769 (1)

1770 (e)1. Except as provided in s. 718.113(5)(d) ~~The expense of~~
1771 ~~installation, replacement, operation, repair, and maintenance of~~
1772 ~~hurricane shutters, impact glass, code-compliant windows or~~
1773 ~~doors, or other types of code-compliant hurricane protection by~~
1774 ~~the board pursuant to s. 718.113(5) constitutes a common expense~~
1775 ~~and shall be collected as provided in this section if the~~
1776 ~~association is responsible for the maintenance, repair, and~~
1777 ~~replacement of the hurricane shutters, impact glass, code-~~
1778 ~~compliant windows or doors, or other types of code-compliant~~
1779 ~~hurricane protection pursuant to the declaration of condominium.~~



1780 ~~However, if the installation of maintenance, repair, and~~
1781 ~~replacement of the hurricane shutters, impact glass, code-~~
1782 ~~compliant windows or doors, or other types of code-compliant~~
1783 hurricane protection is ~~are~~ the responsibility of the unit
1784 owners pursuant to the declaration of condominium or a vote of
1785 the unit owners under s. 718.113(5), the cost of the
1786 installation of ~~the hurricane shutters, impact glass, code-~~
1787 ~~compliant windows or doors, or other types of code-compliant~~
1788 hurricane protection by the association is not a common expense
1789 and must ~~shall~~ be charged individually to the unit owners based
1790 on the cost of installation of ~~the hurricane shutters, impact~~
1791 ~~glass, code-compliant windows or doors, or other types of code-~~
1792 ~~compliant~~ hurricane protection appurtenant to the unit. The
1793 costs of installation of hurricane protection are enforceable as
1794 an assessment and may be collected in the manner provided under
1795 s. 718.116.

1796 2. Notwithstanding s. 718.116(9), and regardless of whether
1797 ~~or not~~ the declaration requires the association or unit owners
1798 to install, maintain, repair, or replace hurricane shutters,
1799 ~~impact glass, code-compliant windows or doors, or other types of~~
1800 ~~code-compliant~~ hurricane protection, the a unit owner of a unit
1801 where who has previously installed hurricane shutters in
1802 accordance with s. 718.113(5) that comply with the current
1803 applicable building code shall receive a credit when the
1804 shutters are installed; a unit owner who has previously
1805 installed impact glass or code-compliant windows or doors that
1806 comply with the current applicable building code shall receive a
1807 credit when the impact glass or code-compliant windows or doors
1808 are installed; and a unit owner who has installed other types of



1809 ~~code-compliant~~ hurricane protection that complies ~~comply~~ with
1810 the current applicable building code has been installed is
1811 excused from any assessment levied by the association or shall
1812 receive a credit if ~~when~~ the same type of ~~other code-compliant~~
1813 hurricane protection is installed by the association, ~~and the~~
1814 ~~credit shall be equal to the pro rata portion of the assessed~~
1815 ~~installation cost assigned to each unit. A credit is applicable~~
1816 if the installation of hurricane protection is for all other
1817 units that do not have hurricane protection and the cost of such
1818 installation is funded by the association's budget, including
1819 the use of reserve funds. The credit must be equal to the amount
1820 that the unit owner would have been assessed to install the
1821 hurricane protection. However, such unit owner remains
1822 responsible for the pro rata share of expenses for ~~hurricane~~
1823 ~~shutters, impact glass, code-compliant windows or doors, or~~
1824 ~~other types of code-compliant~~ hurricane protection installed on
1825 common elements and association property by the board pursuant
1826 to s. 718.113(5) and remains responsible for a pro rata share of
1827 the expense of the replacement, operation, repair, and
1828 maintenance of such ~~shutters, impact glass, code-compliant~~
1829 ~~windows or doors, or other types of code-compliant~~ hurricane
1830 protection. Expenses for the installation, replacement,
1831 operation, repair, or maintenance of hurricane protection on
1832 common elements and association property are common expenses.

1833 Section 14. Paragraph (a) of subsection (4) of section
1834 718.121, Florida Statutes, is amended to read:

1835 718.121 Liens.—

1836 (4) (a) If an association sends out an invoice for
1837 assessments or a unit's statement of the account described in s.



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1838 718.111(12)(a)11.c. ~~s. 718.111(12)(a)11.b.~~, the invoice for
1839 assessments or the unit's statement of account must be delivered
1840 to the unit owner by first-class United States mail or by
1841 electronic transmission to the unit owner's e-mail address
1842 maintained in the association's official records.

1843 Section 15. Section 718.1224, Florida Statutes, is amended
1844 to read:

1845 718.1224 Prohibition against SLAPP suits; other prohibited
1846 actions.—

1847 (1) It is the intent of the Legislature to protect the
1848 right of condominium unit owners to exercise their rights to
1849 instruct their representatives and petition for redress of
1850 grievances before their condominium association and the various
1851 governmental entities of this state as protected by the First
1852 Amendment to the United States Constitution and s. 5, Art. I of
1853 the State Constitution. The Legislature recognizes that
1854 strategic lawsuits against public participation, or "SLAPP
1855 suits," as they are typically referred to, have occurred when
1856 association members are sued by condominium associations,
1857 individuals, business entities, or governmental entities arising
1858 out of a condominium unit owner's appearance and presentation
1859 before the board of the condominium association or a
1860 governmental entity on matters related to the condominium
1861 association. However, it is the public policy of this state that
1862 condominium associations, governmental entities, business
1863 organizations, and individuals not engage in SLAPP suits,
1864 because such actions are inconsistent with the right of
1865 condominium unit owners to participate in their condominium
1866 association and in the state's institutions of government.



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1867 Therefore, the Legislature finds and declares that prohibiting
1868 such lawsuits by condominium associations, governmental
1869 entities, business entities, and individuals against condominium
1870 unit owners who address matters concerning their condominium
1871 association will preserve this fundamental state policy,
1872 preserve the constitutional rights of condominium unit owners,
1873 ~~and~~ ensure the continuation of representative government in this
1874 state, and ensure unit owner participation in condominium
1875 associations. It is the intent of the Legislature that such
1876 lawsuits be expeditiously disposed of by the courts. As used in
1877 this subsection, the term "governmental entity" means the state,
1878 including the executive, legislative, and judicial branches of
1879 government; law enforcement agencies; the independent
1880 establishments of the state, counties, municipalities,
1881 districts, authorities, boards, or commissions; or any agencies
1882 of these branches that are subject to chapter 286.

1883 (2) A condominium association, a governmental entity, a
1884 business organization, or an individual in this state may not
1885 file or cause to be filed through its employees or agents any
1886 lawsuit, cause of action, claim, cross-claim, or counterclaim
1887 against a condominium unit owner without merit and solely
1888 because such condominium unit owner has exercised the right to
1889 instruct his or her representatives or the right to petition for
1890 redress of grievances before the condominium association or the
1891 various governmental entities of this state, as protected by the
1892 First Amendment to the United States Constitution and s. 5, Art.
1893 I of the State Constitution.

1894 (3) A condominium association may not fine,
1895 discriminatorily increase a unit owner's assessments or



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1896 discriminatorily decrease services to a unit owner, or bring or
1897 threaten to bring an action for possession or other civil
1898 action, including a defamation, libel, slander, or tortious
1899 interference action, based on conduct described in paragraphs
1900 (a)-(f). In order for the unit owner to raise the defense of
1901 retaliatory conduct, the unit owner must have acted in good
1902 faith and not for any improper purposes, such as to harass or to
1903 cause unnecessary delay or for frivolous purpose or needless
1904 increase in the cost of litigation. Examples of conduct for
1905 which a condominium association, officer, director, or agent of
1906 an association may not retaliate include, but are not limited
1907 to, situations where:

1908 (a) The unit owner has in good faith complained to a
1909 governmental agency charged with responsibility for enforcement
1910 of a building, housing, or health code of a suspected violation
1911 applicable to the condominium;

1912 (b) The unit owner has organized, encouraged, or
1913 participated in a unit owners' organization;

1914 (c) The unit owner submitted information or filed a
1915 complaint alleging criminal violations or violations of this
1916 chapter or the rules of the division with the division, the
1917 Office of the Condominium Ombudsman, a law enforcement agency, a
1918 state attorney, the Attorney General, or any other governmental
1919 agency;

1920 (d) The unit owner has exercised his or her rights under
1921 this chapter;

1922 (e) The unit owner has complained to the association or any
1923 of its representatives for their failure to comply with this
1924 chapter or chapter 617; or



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1925 (f) The unit owner has made public statements critical of
1926 the operation or management of the association.

1927 (4) Evidence of retaliatory conduct may be raised by the
1928 unit owner as a defense in any action brought against him or her
1929 for possession.

1930 (5) A condominium unit owner sued by a condominium
1931 association, governmental entity, business organization, or
1932 individual in violation of this section has a right to an
1933 expeditious resolution of a claim that the suit is in violation
1934 of this section. A condominium unit owner may petition the court
1935 for an order dismissing the action or granting final judgment in
1936 favor of that condominium unit owner. The petitioner may file a
1937 motion for summary judgment, together with supplemental
1938 affidavits, seeking a determination that the condominium
1939 association's, governmental entity's, business organization's,
1940 or individual's lawsuit has been brought in violation of this
1941 section. The condominium association, governmental entity,
1942 business organization, or individual shall thereafter file its
1943 response and any supplemental affidavits. As soon as
1944 practicable, the court shall set a hearing on the petitioner's
1945 motion, which shall be held at the earliest possible time after
1946 the filing of the condominium association's, governmental
1947 entity's, business organization's, or individual's response. The
1948 court may award the condominium unit owner sued by the
1949 condominium association, governmental entity, business
1950 organization, or individual actual damages arising from the
1951 condominium association's, governmental entity's, individual's,
1952 or business organization's violation of this section. A court
1953 may treble the damages awarded to a prevailing condominium unit



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1954 owner and shall state the basis for the treble damages award in
1955 its judgment. The court shall award the prevailing party
1956 reasonable attorney ~~attorney's~~ fees and costs incurred in
1957 connection with a claim that an action was filed in violation of
1958 this section.

1959 (6) ~~(4)~~ Condominium associations may not expend association
1960 funds in prosecuting a SLAPP suit against a condominium unit
1961 owner.

1962 (7) Condominium associations may not expend association
1963 funds in support of a defamation, libel, slander, or tortious
1964 interference action against a unit owner or any other claim
1965 against a unit owner based on conduct described in paragraphs
1966 (3) (a) - (f).

1967 Section 16. Section 718.124, Florida Statutes, is amended
1968 to read:

1969 718.124 Limitation on actions by association.—The statute
1970 of limitations and repose for any actions in law or equity which
1971 a condominium association or a cooperative association may have
1972 shall not begin to run until the unit owners have elected a
1973 majority of the members of the board of administration.

1974 Section 17. Section 718.128, Florida Statutes, is amended
1975 to read:

1976 718.128 Electronic voting.—The association may conduct
1977 elections and other unit owner votes through an Internet-based
1978 online voting system if a unit owner consents, electronically or
1979 in writing, to online voting and if the following requirements
1980 are met:

1981 (1) The association provides each unit owner with:

1982 (a) A method to authenticate the unit owner's identity to



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1983 the online voting system.

1984 (b) For elections of the board, a method to transmit an
1985 electronic ballot to the online voting system that ensures the
1986 secrecy and integrity of each ballot.

1987 (c) A method to confirm, at least 14 days before the voting
1988 deadline, that the unit owner's electronic device can
1989 successfully communicate with the online voting system.

1990 (2) The association uses an online voting system that is:

1991 (a) Able to authenticate the unit owner's identity.

1992 (b) Able to authenticate the validity of each electronic
1993 vote to ensure that the vote is not altered in transit.

1994 (c) Able to transmit a receipt from the online voting
1995 system to each unit owner who casts an electronic vote.

1996 (d) For elections of the board of administration, able to
1997 permanently separate any authentication or identifying
1998 information from the electronic election ballot, rendering it
1999 impossible to tie an election ballot to a specific unit owner.

2000 (e) Able to store and keep electronic votes accessible to
2001 election officials for recount, inspection, and review purposes.

2002 (3) A unit owner voting electronically pursuant to this
2003 section shall be counted as being in attendance at the meeting
2004 for purposes of determining a quorum. A substantive vote of the
2005 unit owners may not be taken on any issue other than the issues
2006 specifically identified in the electronic vote, when a quorum is
2007 established based on unit owners voting electronically pursuant
2008 to this section.

2009 (4) This section applies to an association that provides
2010 for and authorizes an online voting system pursuant to this
2011 section by a board resolution. The board resolution must provide



2012 that unit owners receive notice of the opportunity to vote
2013 through an online voting system, must establish reasonable
2014 procedures and deadlines for unit owners to consent,
2015 electronically or in writing, to online voting, and must
2016 establish reasonable procedures and deadlines for unit owners to
2017 opt out of online voting after giving consent. Written notice of
2018 a meeting at which the resolution will be considered must be
2019 mailed, delivered, or electronically transmitted to the unit
2020 owners and posted conspicuously on the condominium property or
2021 association property at least 14 days before the meeting.

2022 Evidence of compliance with the 14-day notice requirement must
2023 be made by an affidavit executed by the person providing the
2024 notice and filed with the official records of the association.

2025 (5) A unit owner's consent to online voting is valid until
2026 the unit owner opts out of online voting according to the
2027 procedures established by the board of administration pursuant
2028 to subsection (4).

2029 (6) This section may apply to any matter that requires a
2030 vote of the unit owners who are not members of a timeshare
2031 condominium association.

2032 Section 18. Effective October 1, 2024, subsections (1) and
2033 (3) of section 718.202, Florida Statutes, are amended to read:

2034 718.202 Sales or reservation deposits prior to closing.—

2035 (1) If a developer contracts to sell a condominium parcel
2036 and the construction, furnishing, and landscaping of the
2037 property submitted or proposed to be submitted to condominium
2038 ownership has not been substantially completed in accordance
2039 with the plans and specifications and representations made by
2040 the developer in the disclosures required by this chapter, the



2041 developer shall pay into an escrow account all payments up to 10
2042 percent of the sale price received by the developer from the
2043 buyer towards the sale price. The escrow agent shall give to the
2044 purchaser a receipt for the deposit, upon request. In lieu of
2045 the foregoing concerning residential condominiums, the division
2046 director has the discretion to accept other assurances,
2047 including, but not limited to, a surety bond or an irrevocable
2048 letter of credit in an amount equal to the escrow requirements
2049 of this section. With respect to nonresidential condominiums,
2050 the developer shall have the option of delivering to the escrow
2051 agent a surety bond or an irrevocable letter of credit in an
2052 amount equivalent to the aggregate of some or all of all
2053 payments up to 10 percent of the sale price received by the
2054 developer from all buyers toward the sale price, in all cases
2055 the aggregate of initial 10 percent deposits moneys being
2056 released secured by a surety bond or irrevocable letter of
2057 credit in an equivalent amount. Default determinations and
2058 refund of deposits shall be governed by the escrow release
2059 provision of this subsection. Funds shall be released from
2060 escrow as follows:

2061 (a) If a buyer properly terminates the contract pursuant to
2062 its terms or pursuant to this chapter, the funds shall be paid
2063 to the buyer together with any interest earned.

2064 (b) If the buyer defaults in the performance of his or her
2065 obligations under the contract of purchase and sale, the funds
2066 shall be paid to the developer together with any interest
2067 earned.

2068 (c) If the contract does not provide for the payment of any
2069 interest earned on the escrowed funds, interest shall be paid to



2070 the developer at the closing of the transaction.

2071 (d) If the funds of a buyer have not been previously
2072 disbursed in accordance with the provisions of this subsection,
2073 they may be disbursed to the developer by the escrow agent at
2074 the closing of the transaction, unless prior to the disbursement
2075 the escrow agent receives from the buyer written notice of a
2076 dispute between the buyer and developer.

2077 (3) If the contract for sale of the condominium unit so
2078 provides, the developer may withdraw escrow funds in excess of
2079 10 percent of the purchase price from the special account
2080 required by subsection (2) when the construction of improvements
2081 has begun. He or she may use the funds for the actual costs
2082 incurred by the developer in the construction and development of
2083 the condominium property in which the unit to be sold is located
2084 or the easements and rights appurtenant thereto. For purposes of
2085 this subsection, the term "actual costs" includes, but is not
2086 limited to, expenditures for demolition, site clearing, permit
2087 fees, impact fees, and utility reservation fees, as well as
2088 architectural, engineering, and surveying fees that directly
2089 relate to construction and development of the condominium
2090 property or the easements and rights appurtenant thereto.
2091 However, no part of these funds may be used for salaries,
2092 commissions, or expenses of salespersons; for advertising,
2093 marketing, or promotional purposes; or for loan fees and costs,
2094 principal and interest on loans, attorney fees, accounting fees,
2095 or insurance costs. A contract that ~~which~~ permits use of the
2096 advance payments for these purposes must ~~shall~~ include the
2097 following legend conspicuously printed or stamped in boldfaced
2098 type on the first page of the contract and immediately above the



2099 place for the signature of the buyer: "ANY PAYMENT IN EXCESS OF
2100 10 PERCENT OF THE PURCHASE PRICE MADE TO DEVELOPER PRIOR TO

2101 CLOSING PURSUANT TO THIS CONTRACT MAY BE USED FOR CONSTRUCTION

2102 PURPOSES BY THE DEVELOPER."

2103 Section 19. Paragraph (p) of subsection (4) of section

2104 718.301, Florida Statutes, is amended to read:

2105 718.301 Transfer of association control; claims of defect

2106 by association.—

2107 (4) At the time that unit owners other than the developer

2108 elect a majority of the members of the board of administration

2109 of an association, the developer shall relinquish control of the

2110 association, and the unit owners shall accept control.

2111 Simultaneously, or for the purposes of paragraph (c) not more

2112 than 90 days thereafter, the developer shall deliver to the

2113 association, at the developer's expense, all property of the

2114 unit owners and of the association which is held or controlled

2115 by the developer, including, but not limited to, the following

2116 items, if applicable, as to each condominium operated by the

2117 association:

2118 (p) Notwithstanding when the certificate of occupancy was

2119 issued or the height of the building, a turnover inspection

2120 report included in the official records, under seal of an

2121 architect or engineer authorized to practice in this state or a

2122 person certified as a reserve specialist or professional reserve

2123 analyst by the Community Associations Institute or the

2124 Association of Professional Reserve Analysts, and consisting of

2125 a structural integrity reserve study attesting to required

2126 maintenance, condition, useful life, and replacement costs of

2127 the following applicable condominium property:



- 2128 1. Roof.
- 2129 2. Structure, including load-bearing walls and primary
- 2130 structural members and primary structural systems as those terms
- 2131 are defined in s. 627.706.
- 2132 3. Fireproofing and fire protection systems.
- 2133 4. Plumbing.
- 2134 5. Electrical systems.
- 2135 6. Waterproofing and exterior painting.
- 2136 7. Windows and exterior doors.

2137 Section 20. Subsections (4) and (5) of section 718.3027,

2138 Florida Statutes, are amended to read:

2139 718.3027 Conflicts of interest.—

2140 (4) A director or an officer, or a relative of a director

2141 or an officer, who is a party to, or has an interest in, an

2142 activity that is a possible conflict of interest, as described

2143 in subsection (1), may attend the meeting at which the activity

2144 is considered by the board and is authorized to make a

2145 presentation to the board regarding the activity. After the

2146 presentation, the director or officer, and any ~~or the~~ relative

2147 of the director or officer, must leave the meeting during the

2148 discussion of, and the vote on, the activity. A director or an

2149 officer who is a party to, or has an interest in, the activity

2150 must recuse himself or herself from the vote. The attendance of

2151 a director with a possible conflict of interest at the meeting

2152 of the board is sufficient to constitute a quorum for the

2153 meeting and the vote in his or her absence on the proposed

2154 activity.

2155 (5) A contract entered into between a director or an

2156 officer, or a relative of a director or an officer, and the



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2157 association, which is not a timeshare condominium association,
2158 that has not been properly disclosed as a conflict of interest
2159 or potential conflict of interest as required by this section or
2160 s. 617.0832 ~~s. 718.111(12)(g)~~ is voidable and terminates upon
2161 the filing of a written notice terminating the contract with the
2162 board of directors which contains the consent of at least 20
2163 percent of the voting interests of the association.

2164 Section 21. Subsection (5) of section 718.303, Florida
2165 Statutes, is amended to read:

2166 718.303 Obligations of owners and occupants; remedies.—

2167 (5) An association may suspend the voting rights of a unit
2168 owner or member due to nonpayment of any fee, fine, or other
2169 monetary obligation due to the association which is more than
2170 \$1,000 and more than 90 days delinquent. Proof of such
2171 obligation must be provided to the unit owner or member 30 days
2172 before such suspension takes effect. At least 90 days before an
2173 election, an association must notify a unit owner or member that
2174 his or her voting rights may be suspended due to a nonpayment of
2175 a fee or other monetary obligation. A voting interest or consent
2176 right allocated to a unit owner or member which has been
2177 suspended by the association shall be subtracted from the total
2178 number of voting interests in the association, which shall be
2179 reduced by the number of suspended voting interests when
2180 calculating the total percentage or number of all voting
2181 interests available to take or approve any action, and the
2182 suspended voting interests shall not be considered for any
2183 purpose, including, but not limited to, the percentage or number
2184 of voting interests necessary to constitute a quorum, the
2185 percentage or number of voting interests required to conduct an



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2186 election, or the percentage or number of voting interests
2187 required to approve an action under this chapter or pursuant to
2188 the declaration, articles of incorporation, or bylaws. The
2189 suspension ends upon full payment of all obligations currently
2190 due or overdue the association. The notice and hearing
2191 requirements under subsection (3) do not apply to a suspension
2192 imposed under this subsection.

2193 Section 22. Effective October 1, 2024, section 718.407,
2194 Florida Statutes, is created to read:

2195 718.407 Condominiums created within a portion of a building
2196 or within a multiple parcel building.-

2197 (1) Notwithstanding s. 718.103(12) or s. 718.108(1), a
2198 condominium may be created within a portion of a building or
2199 within a multiple parcel building, as defined in s. 193.0237(1),
2200 as provided in this section.

2201 (2) Notwithstanding s. 718.103(12) or s. 718.108(1), the
2202 common elements of a condominium created within a portion of a
2203 building or a multiple parcel building are only those portions
2204 of the building submitted to the condominium form of ownership,
2205 excluding the units of such condominium.

2206 (3) The declaration of condominium that creates a
2207 condominium within a portion of a building or within a multiple
2208 parcel building, the recorded instrument that creates the
2209 multiple parcel building, or any other recorded instrument
2210 applicable under this section must specify all of the following:

2211 (a) The portions of the building which are included in the
2212 condominium and the portions of the building which are excluded.

2213 (b) The party responsible for maintaining and operating
2214 those portions of the building which are shared facilities, and



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2215 which may include, among other things, the roof, the exterior of
2216 the building, windows, balconies, elevators, the building lobby,
2217 corridors, recreational amenities, and utilities.

2218 (c)1. The manner in which the expenses for the maintenance
2219 and operation of the shared facilities will be apportioned. An
2220 owner of a portion of a building which is not submitted to the
2221 condominium form of ownership, or the condominium association,
2222 as applicable to the portion of the building submitted to the
2223 condominium form of ownership, must approve any increase in the
2224 apportionment of expenses to such portion of the building. The
2225 apportionment of the expenses for the maintenance and operation
2226 of the shared facilities may be based on any of the following
2227 criteria or any combination thereof:

2228 a. The area or volume of each portion of the building in
2229 relation to the total area or volume of the entire building,
2230 exclusive of the shared facilities.

2231 b. The initial estimated market value of each portion of
2232 the building in comparison to the total initial estimated market
2233 value of the entire building.

2234 c. The extent to which the owners are permitted to use
2235 various shared facilities.

2236 2. This paragraph does not preclude an alternative
2237 apportionment of expenses, provided that the apportionment is
2238 stated in the declaration of condominium that creates a
2239 condominium within a portion of a building or within a multiple
2240 parcel building, the recorded instrument that creates the
2241 multiple parcel building, or any other recorded instrument
2242 applicable under this section.

2243 (d) The party responsible for collecting the shared



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2244 expenses.

2245 (e) The rights and remedies that are available to enforce
2246 payment of the shared expenses.

2247 (4) The association of a condominium subject to this
2248 section has the right to inspect and copy the books and records
2249 upon which the costs for maintaining and operating the shared
2250 facilities are based and to receive an annual budget with
2251 respect to such costs.

2252 (5) Each contract for the sale of a unit in a condominium
2253 subject to this section must contain, in conspicuous type, a
2254 clause that substantially states:

2255

2256 DISCLOSURE SUMMARY

2257 THE CONDOMINIUM IN WHICH YOUR UNIT IS LOCATED IS
2258 CREATED WITHIN A PORTION OF A BUILDING OR WITHIN A
2259 MULTIPLE PARCEL BUILDING. THE COMMON ELEMENTS OF THE
2260 CONDOMINIUM CONSIST ONLY OF THE PORTIONS OF THE
2261 BUILDING SUBMITTED TO THE CONDOMINIUM.

2262

2263 BUYER ACKNOWLEDGES:

2264 1) THE CONDOMINIUM MAY HAVE MINIMAL COMMON ELEMENTS.

2265

2266 2) PORTIONS OF THE BUILDING THAT ARE NOT INCLUDED IN
2267 THE CONDOMINIUM ARE (OR WILL BE) GOVERNED BY A
2268 SEPARATE RECORDED INSTRUMENT. SUCH INSTRUMENT CONTAINS
2269 IMPORTANT PROVISIONS AND RIGHTS AND IS (OR WILL BE)
2270 AVAILABLE IN PUBLIC RECORDS.

2271

2272 3) THE PARTY THAT CONTROLS THE MAINTENANCE AND



2273 OPERATION OF THE PORTIONS OF THE BUILDING THAT ARE NOT
2274 INCLUDED IN THE CONDOMINIUM DETERMINES THE BUDGET FOR
2275 THE OPERATION AND MAINTENANCE OF SUCH PORTIONS;
2276 HOWEVER, THE ASSOCIATION AND UNIT OWNERS ARE STILL
2277 RESPONSIBLE FOR THEIR SHARE OF SUCH EXPENSES.

2278
2279 4) THE ALLOCATION BETWEEN THE OWNERS OF THE COSTS TO
2280 MAINTAIN AND OPERATE THE BUILDING CAN BE FOUND IN THE
2281 DECLARATION OF CONDOMINIUM OR OTHER RECORDED
2282 INSTRUMENT.

2283
2284 (6) The creation of a multiple parcel building is not a
2285 subdivision of the land upon which such building is situated,
2286 provided that the land itself is not subdivided.

2287 Section 23. Subsections (1) and (2) of section 718.501,
2288 Florida Statutes, are amended to read:

2289 718.501 Authority, responsibility, and duties of Division
2290 of Florida Condominiums, Timeshares, and Mobile Homes.—

2291 (1) (a) The division may enforce and ensure compliance with
2292 this chapter and rules relating to the development,
2293 construction, sale, lease, ownership, operation, and management
2294 of residential condominium units and complaints related to the
2295 procedural completion of milestone inspections under s. 553.899.
2296 In performing its duties, the division has complete jurisdiction
2297 to investigate complaints and enforce compliance with respect to
2298 associations that are still under developer control or the
2299 control of a bulk assignee or bulk buyer pursuant to part VII of
2300 this chapter and complaints against developers, bulk assignees,
2301 or bulk buyers involving improper turnover or failure to



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2302 turnover, pursuant to s. 718.301. However, after turnover has
2303 occurred, the division has jurisdiction to investigate
2304 complaints related only to:

2305 1. Procedures and records related to financial issues,
2306 elections, and including annual financial reporting under s.
2307 718.111(13); assessments for common expenses, fines, and
2308 commingling of reserve and operating funds under in s.
2309 718.111(14); use of debit cards for other than intended purposes
2310 under s. 718.111(15); the annual operating budget and the
2311 allocation of reserve funds under s. 718.112(2)(f); which
2312 financial records under s. 718.111(12)(a)11; and any other
2313 record necessary to determine the revenues and expenses of the
2314 association;

2315 2. Elections, including election and voting requirements
2316 under s. 718.112(2)(b) and (d), recall of board members under
2317 718.112(2)(1), electronic voting under s. 718.128, and elections
2318 that occur during an emergency under s. 718.1265(1)(a);

2319 3. The maintenance of and unit owner access to association
2320 records under s. 718.111(12), allegations of criminal violations
2321 under this chapter, the removal of a director or an officer
2322 under s. 718.112(2)(q); and

2323 4. The procedural aspects of meetings, such as, unit owner
2324 meetings, quorums, voting requirements, proxies, board of
2325 administration meetings, and budget meetings under s.
2326 718.112(2);

2327 5. Disclosure of conflicts of interest under s.
2328 718.111(1)(a) and s. 718.3027, including limitations contained
2329 in s. 718.111(3)(f);

2330 6. Removal of a board director or officer under s.



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2331 718.111(1)(a) and (15), and s. 718.112(2)(p) and (q);
2332 7. The procedural completion of structural integrity
2333 reserve studies under s. 718.112(2)(g); and
2334 8. Any written inquiries by unit owners to the association
2335 relating to such matters, including written inquiries under s.
2336 718.112(2)(a)2.
2337 (b)-(a)1. The division may make necessary public or private
2338 investigations within or outside this state to determine whether
2339 any person has violated this chapter or any rule or order
2340 hereunder, to aid in the enforcement of this chapter, or to aid
2341 in the adoption of rules or forms.
2342 2. The division may submit any official written report,
2343 worksheet, or other related paper, or a duly certified copy
2344 thereof, compiled, prepared, drafted, or otherwise made by and
2345 duly authenticated by a financial examiner or analyst to be
2346 admitted as competent evidence in any hearing in which the
2347 financial examiner or analyst is available for cross-examination
2348 and attests under oath that such documents were prepared as a
2349 result of an examination or inspection conducted pursuant to
2350 this chapter.
2351 (c)-(b) The division may require or permit any person to
2352 file a statement in writing, under oath or otherwise, as the
2353 division determines, as to the facts and circumstances
2354 concerning a matter to be investigated.
2355 (d)-(e) For the purpose of any investigation under this
2356 chapter, the division director or any officer or employee
2357 designated by the division director may administer oaths or
2358 affirmations, subpoena witnesses and compel their attendance,
2359 take evidence, and require the production of any matter which is



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2360 relevant to the investigation, including the existence,
2361 description, nature, custody, condition, and location of any
2362 books, documents, or other tangible things and the identity and
2363 location of persons having knowledge of relevant facts or any
2364 other matter reasonably calculated to lead to the discovery of
2365 material evidence. Upon the failure by a person to obey a
2366 subpoena or to answer questions propounded by the investigating
2367 officer and upon reasonable notice to all affected persons, the
2368 division may apply to the circuit court for an order compelling
2369 compliance.

2370 (e)~~(d)~~ Notwithstanding any remedies available to unit
2371 owners and associations, if the division has reasonable cause to
2372 believe that a violation of any provision of this chapter or
2373 related rule has occurred, the division may institute
2374 enforcement proceedings in its own name against any developer,
2375 bulk assignee, bulk buyer, association, officer, or member of
2376 the board of administration, or its assignees or agents, as
2377 follows:

2378 1. The division may permit a person whose conduct or
2379 actions may be under investigation to waive formal proceedings
2380 and enter into a consent proceeding whereby orders, rules, or
2381 letters of censure or warning, whether formal or informal, may
2382 be entered against the person.

2383 2. The division may issue an order requiring the developer,
2384 bulk assignee, bulk buyer, association, developer-designated
2385 officer, or developer-designated member of the board of
2386 administration, developer-designated assignees or agents, bulk
2387 assignee-designated assignees or agents, bulk buyer-designated
2388 assignees or agents, community association manager, or community



2389 association management firm to cease and desist from the
2390 unlawful practice and take such affirmative action as in the
2391 judgment of the division carry out the purposes of this chapter.
2392 If the division finds that a developer, bulk assignee, bulk
2393 buyer, association, officer, or member of the board of
2394 administration, or its assignees or agents, is violating or is
2395 about to violate any provision of this chapter, any rule adopted
2396 or order issued by the division, or any written agreement
2397 entered into with the division, and presents an immediate danger
2398 to the public requiring an immediate final order, it may issue
2399 an emergency cease and desist order reciting with particularity
2400 the facts underlying such findings. The emergency cease and
2401 desist order is effective for 90 days. If the division begins
2402 nonemergency cease and desist proceedings, the emergency cease
2403 and desist order remains effective until the conclusion of the
2404 proceedings under ss. 120.569 and 120.57.

2405 3. If a developer, bulk assignee, or bulk buyer fails to
2406 pay any restitution determined by the division to be owed, plus
2407 any accrued interest at the highest rate permitted by law,
2408 within 30 days after expiration of any appellate time period of
2409 a final order requiring payment of restitution or the conclusion
2410 of any appeal thereof, whichever is later, the division must
2411 bring an action in circuit or county court on behalf of any
2412 association, class of unit owners, lessees, or purchasers for
2413 restitution, declaratory relief, injunctive relief, or any other
2414 available remedy. The division may also temporarily revoke its
2415 acceptance of the filing for the developer to which the
2416 restitution relates until payment of restitution is made.

2417 4. The division may petition the court for appointment of a



2418 receiver or conservator. If appointed, the receiver or
2419 conservator may take action to implement the court order to
2420 ensure the performance of the order and to remedy any breach
2421 thereof. In addition to all other means provided by law for the
2422 enforcement of an injunction or temporary restraining order, the
2423 circuit court may impound or sequester the property of a party
2424 defendant, including books, papers, documents, and related
2425 records, and allow the examination and use of the property by
2426 the division and a court-appointed receiver or conservator.

2427 5. The division may apply to the circuit court for an order
2428 of restitution whereby the defendant in an action brought under
2429 subparagraph 4. is ordered to make restitution of those sums
2430 shown by the division to have been obtained by the defendant in
2431 violation of this chapter. At the option of the court, such
2432 restitution is payable to the conservator or receiver appointed
2433 under subparagraph 4. or directly to the persons whose funds or
2434 assets were obtained in violation of this chapter.

2435 6. The division may impose a civil penalty against a
2436 developer, bulk assignee, or bulk buyer, or association, or its
2437 assignee or agent, for any violation of this chapter, or related
2438 rule, or chapter 617. The division may impose a civil penalty
2439 individually against an officer or board member who willfully
2440 and knowingly violates this chapter, an adopted rule, or a final
2441 order of the division; may order the removal of such individual
2442 as an officer or from the board of administration or as an
2443 officer of the association; and may prohibit such individual
2444 from serving as an officer or on the board of a community
2445 association for a period of time. The term "willfully and
2446 knowingly" means that the division informed the officer or board



2447 member that his or her action or intended action violates this
2448 chapter, a rule adopted under this chapter, or a final order of
2449 the division and that the officer or board member refused to
2450 comply with the requirements of this chapter, a rule adopted
2451 under this chapter, or a final order of the division. The
2452 division, before initiating formal agency action under chapter
2453 120, must afford the officer or board member an opportunity to
2454 voluntarily comply, and an officer or board member who complies
2455 within 10 days is not subject to a civil penalty. A penalty may
2456 be imposed on the basis of each day of continuing violation, but
2457 the penalty for any offense may not exceed \$5,000. The division
2458 shall adopt, by rule, penalty guidelines applicable to possible
2459 violations or to categories of violations of this chapter or
2460 rules adopted by the division. The guidelines must specify a
2461 meaningful range of civil penalties for each such violation of
2462 the statute and rules and must be based upon the harm caused by
2463 the violation, upon the repetition of the violation, and upon
2464 such other factors deemed relevant by the division. For example,
2465 the division may consider whether the violations were committed
2466 by a developer, bulk assignee, or bulk buyer, or owner-
2467 controlled association, the size of the association, and other
2468 factors. The guidelines must designate the possible mitigating
2469 or aggravating circumstances that justify a departure from the
2470 range of penalties provided by the rules. It is the legislative
2471 intent that minor violations be distinguished from those which
2472 endanger the health, safety, or welfare of the condominium
2473 residents or other persons and that such guidelines provide
2474 reasonable and meaningful notice to the public of likely
2475 penalties that may be imposed for proscribed conduct. This



2476 subsection does not limit the ability of the division to
2477 informally dispose of administrative actions or complaints by
2478 stipulation, agreed settlement, or consent order. All amounts
2479 collected shall be deposited with the Chief Financial Officer to
2480 the credit of the Division of Florida Condominiums, Timeshares,
2481 and Mobile Homes Trust Fund. If a developer, bulk assignee, or
2482 bulk buyer fails to pay the civil penalty and the amount deemed
2483 to be owed to the association, the division shall issue an order
2484 directing that such developer, bulk assignee, or bulk buyer
2485 cease and desist from further operation until such time as the
2486 civil penalty is paid or may pursue enforcement of the penalty
2487 in a court of competent jurisdiction. If an association fails to
2488 pay the civil penalty, the division shall pursue enforcement in
2489 a court of competent jurisdiction, and the order imposing the
2490 civil penalty or the cease and desist order is not effective
2491 until 20 days after the date of such order. Any action commenced
2492 by the division shall be brought in the county in which the
2493 division has its executive offices or in the county where the
2494 violation occurred.

2495 7. If a unit owner presents the division with proof that
2496 the unit owner has requested access to official records in
2497 writing by certified mail, and that after 10 days the unit owner
2498 again made the same request for access to official records in
2499 writing by certified mail, and that more than 10 days has
2500 elapsed since the second request and the association has still
2501 failed or refused to provide access to official records as
2502 required by this chapter, the division shall issue a subpoena
2503 requiring production of the requested records where the records
2504 are kept pursuant to s. 718.112. Upon receipt of the records,



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2505 the division shall provide without charge the produced official
2506 records to the unit owner who was denied access to such records.

2507 8. In addition to subparagraph 6., the division may seek
2508 the imposition of a civil penalty through the circuit court for
2509 any violation for which the division may issue a notice to show
2510 cause under paragraph (s) ~~(r)~~. The civil penalty shall be at
2511 least \$500 but no more than \$5,000 for each violation. The court
2512 may also award to the prevailing party court costs and
2513 reasonable attorney fees and, if the division prevails, may also
2514 award reasonable costs of investigation.

2515 9. The division may issue citations and promulgate rules to
2516 provide for citation bases and citation procedures in accordance
2517 with this section.

2518 (f) ~~(e)~~ The division may prepare and disseminate a
2519 prospectus and other information to assist prospective owners,
2520 purchasers, lessees, and developers of residential condominiums
2521 in assessing the rights, privileges, and duties pertaining
2522 thereto.

2523 (g) ~~(f)~~ The division may adopt rules to administer and
2524 enforce this chapter.

2525 (h) ~~(g)~~ The division shall establish procedures for
2526 providing notice to an association and the developer, bulk
2527 assignee, or bulk buyer during the period in which the
2528 developer, bulk assignee, or bulk buyer controls the association
2529 if the division is considering the issuance of a declaratory
2530 statement with respect to the declaration of condominium or any
2531 related document governing such condominium community.

2532 (i) ~~(h)~~ The division shall furnish each association that
2533 pays the fees required by paragraph (2) (a) a copy of this



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2534 chapter, as amended, and the rules adopted thereto on an annual
2535 basis.

2536 (j)~~(i)~~ The division shall annually provide each association
2537 with a summary of declaratory statements and formal legal
2538 opinions relating to the operations of condominiums which were
2539 rendered by the division during the previous year.

2540 (k)~~(j)~~ The division shall provide training and educational
2541 programs for condominium association board members and unit
2542 owners. The training may, in the division's discretion, include
2543 web-based electronic media and live training and seminars in
2544 various locations throughout the state. The division may review
2545 and approve education and training programs for board members
2546 and unit owners offered by providers and shall maintain a
2547 current list of approved programs and providers and make such
2548 list available to board members and unit owners in a reasonable
2549 and cost-effective manner. The division shall provide the
2550 division-approved provider with the template certificate for
2551 issuance directly to the association board of directors members
2552 who have satisfactorily completed the requirements under s.
2553 718.112(2)(d). The division may adopt rules to implement this
2554 section.

2555 (l)~~(k)~~ The division shall maintain a toll-free telephone
2556 number accessible to condominium unit owners.

2557 (m)~~(l)~~ The division shall develop a program to certify both
2558 volunteer and paid mediators to provide mediation of condominium
2559 disputes. The division shall provide, upon request, a list of
2560 such mediators to any association, unit owner, or other
2561 participant in alternative dispute resolution proceedings under
2562 s. 718.1255 requesting a copy of the list. The division shall



2563 include on the list of volunteer mediators only the names of
2564 persons who have received at least 20 hours of training in
2565 mediation techniques or who have mediated at least 20 disputes.
2566 In order to become initially certified by the division, paid
2567 mediators must be certified by the Supreme Court to mediate
2568 court cases in county or circuit courts. However, the division
2569 may adopt, by rule, additional factors for the certification of
2570 paid mediators, which must be related to experience, education,
2571 or background. Any person initially certified as a paid mediator
2572 by the division must, in order to continue to be certified,
2573 comply with the factors or requirements adopted by rule.

2574 (n) ~~(m)~~ If a complaint is made, the division must conduct
2575 its inquiry with due regard for the interests of the affected
2576 parties. Within 30 days after receipt of a complaint, the
2577 division shall acknowledge the complaint in writing and notify
2578 the complainant whether the complaint is within the jurisdiction
2579 of the division and whether additional information is needed by
2580 the division from the complainant. The division shall conduct
2581 its investigation and, within 90 days after receipt of the
2582 original complaint or of timely requested additional
2583 information, take action upon the complaint. However, the
2584 failure to complete the investigation within 90 days does not
2585 prevent the division from continuing the investigation,
2586 accepting or considering evidence obtained or received after 90
2587 days, or taking administrative action if reasonable cause exists
2588 to believe that a violation of this chapter or a rule has
2589 occurred. If an investigation is not completed within the time
2590 limits established in this paragraph, the division shall, on a
2591 monthly basis, notify the complainant in writing of the status



2592 of the investigation. When reporting its action to the
2593 complainant, the division shall inform the complainant of any
2594 right to a hearing under ss. 120.569 and 120.57. The division
2595 may adopt rules regarding the submission of a complaint against
2596 an association.

2597 (o) ~~(n)~~ Condominium association directors, officers, and
2598 employees; condominium developers; bulk assignees, bulk buyers,
2599 and community association managers; and community association
2600 management firms have an ongoing duty to reasonably cooperate
2601 with the division in any investigation under this section. The
2602 division shall refer to local law enforcement authorities any
2603 person whom the division believes has altered, destroyed,
2604 concealed, or removed any record, document, or thing required to
2605 be kept or maintained by this chapter with the purpose to impair
2606 its verity or availability in the department's investigation.
2607 The division shall refer to local law enforcement authorities
2608 any person whom the division believes has engaged in fraud,
2609 theft, embezzlement, or other criminal activity or when the
2610 division has cause to believe that fraud, theft, embezzlement,
2611 or other criminal activity has occurred.

2612 (p) ~~(o)~~ The division director or any officer or employee of
2613 the division, and the condominium ombudsman or an employee of
2614 the Office of the Condominium Ombudsman, may attend and observe
2615 any meeting of the board of administration or unit owner
2616 meeting, including any meeting of a subcommittee or special
2617 committee, that is open to members of the association for the
2618 purpose of performing the duties of the division or the Office
2619 of the Condominium Ombudsman under this chapter.

2620 (q) The division may:



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2621 1. Contract with agencies in this state or other
2622 jurisdictions to perform investigative functions; or
2623 2. Accept grants-in-aid from any source.
2624 (r)~~(p)~~ The division shall cooperate with similar agencies
2625 in other jurisdictions to establish uniform filing procedures
2626 and forms, public offering statements, advertising standards,
2627 and rules and common administrative practices.
2628 (s)~~(q)~~ The division shall consider notice to a developer,
2629 bulk assignee, or bulk buyer to be complete when it is delivered
2630 to the address of the developer, bulk assignee, or bulk buyer
2631 currently on file with the division.
2632 (t)~~(r)~~ In addition to its enforcement authority, the
2633 division may issue a notice to show cause, which must provide
2634 for a hearing, upon written request, in accordance with chapter
2635 120.
2636 (u) If the division receives a complaint regarding access
2637 to official records on the association website under s.
2638 718.111(12)(g), the division may request access to the
2639 association website and investigate the complaint. The division
2640 may implement rules to carry out this provision.
2641 (v)~~(s)~~ The division shall submit to the Governor, the
2642 President of the Senate, the Speaker of the House of
2643 Representatives, and the chairs of the legislative
2644 appropriations committees an annual report that includes, but
2645 need not be limited to, the number of training programs provided
2646 for condominium association board members and unit owners, the
2647 number of complaints received by type, the number and percent of
2648 complaints acknowledged in writing within 30 days and the number
2649 and percent of investigations acted upon within 90 days in



2650 accordance with paragraph (m), and the number of investigations
2651 exceeding the 90-day requirement. The annual report must also
2652 include an evaluation of the division's core business processes
2653 and make recommendations for improvements, including statutory
2654 changes. After December 31, 2024, the division must include the
2655 uniform resource locator for the Internet address to the list of
2656 the associations that have completed their structural reserve
2657 study under section 718.112(2)(g). The report shall be submitted
2658 by September 30 following the end of the fiscal year.

2659 (2) (a) Each condominium association which operates more
2660 than two units shall pay to the division an annual fee in the
2661 amount of \$4 for each residential unit in condominiums operated
2662 by the association. If the fee is not paid by March 1, the
2663 association shall be assessed a penalty of 10 percent of the
2664 amount due, and the association will not have standing to
2665 maintain or defend any action in the courts of this state until
2666 the amount due, plus any penalty, is paid.

2667 (b) All fees shall be deposited in the Division of Florida
2668 Condominiums, Timeshares, and Mobile Homes Trust Fund as
2669 provided by law.

2670 (c) On the certification form provided by the division, the
2671 directors of the association shall certify that each director of
2672 the association has completed the written certification and
2673 educational certificate requirements in s. 718.112(2)(d)4.b.
2674 This certification requirement does not apply to the directors
2675 of an association governing a timeshare condominium.

2676 Section 24. Subsection (2) of section 718.5011, Florida
2677 Statutes, is amended to read:

2678 718.5011 Ombudsman; appointment; administration.-



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2679 (2) The secretary of the Department of Business and
2680 Professional Regulation ~~Governor~~ shall appoint the ombudsman,
2681 who. ~~The ombudsman must be an attorney admitted to practice~~
2682 ~~before the Florida Supreme Court and shall serve at the pleasure~~
2683 of the secretary ~~Governor~~. A vacancy in the office shall be
2684 filled in the same manner as the original appointment. An
2685 officer or full-time employee of the ombudsman's office may not
2686 actively engage in any other business or profession that
2687 directly or indirectly relates to or conflicts with his or her
2688 work in the ombudsman's office; serve as the representative of
2689 any political party, executive committee, or other governing
2690 body of a political party; serve as an executive, officer, or
2691 employee of a political party; receive remuneration for
2692 activities on behalf of any candidate for public office; or
2693 engage in soliciting votes or other activities on behalf of a
2694 candidate for public office. The ombudsman or any employee of
2695 his or her office may not become a candidate for election to
2696 public office unless he or she first resigns from his or her
2697 office or employment.

2698 Section 25. Effective October 1, 2024, paragraph (a) of
2699 subsection (2) and subsection (3) of section 718.503, Florida
2700 Statutes, are amended to read:

2701 718.503 Developer disclosure prior to sale; nondeveloper
2702 unit owner disclosure prior to sale; voidability.—

2703 (2) NONDEVELOPER DISCLOSURE.—

2704 (a) Each unit owner who is not a developer as defined by
2705 this chapter must comply with this subsection before the sale of
2706 his or her unit. Each prospective purchaser who has entered into
2707 a contract for the purchase of a condominium unit is entitled,



2708 at the seller's expense, to a current copy of all of the
2709 following:

- 2710 1. The declaration of condominium.
- 2711 2. Articles of incorporation of the association.
- 2712 3. Bylaws and rules of the association.
- 2713 4. An annual financial statement and an annual budget of
2714 the condominium association ~~Financial information required by s.~~
2715 ~~718.111.~~
- 2716 5. A copy of the inspector-prepared summary of the
2717 milestone inspection report as described in s. 553.899, if
2718 applicable.
- 2719 6. The association's most recent structural integrity
2720 reserve study or a statement that the association has not
2721 completed a structural integrity reserve study.
- 2722 7. A copy of the inspection report described in s.
2723 718.301(4) (p) and (q) for a turnover inspection performed on or
2724 after July 1, 2023.
- 2725 8. The document entitled "Frequently Asked Questions and
2726 Answers" required by s. 718.504.

2727 (3) OTHER DISCLOSURES ~~DISCLOSURE~~.—

2728 (a) If residential condominium parcels are offered for sale
2729 or lease prior to completion of construction of the units and of
2730 improvements to the common elements, or prior to completion of
2731 remodeling of previously occupied buildings, the developer must
2732 ~~shall~~ make available to each prospective purchaser or lessee,
2733 for his or her inspection at a place convenient to the site, a
2734 copy of the complete plans and specifications for the
2735 construction or remodeling of the unit offered to him or her and
2736 of the improvements to the common elements appurtenant to the



2737 unit.

2738 (b) Sales brochures, if any, must ~~shall~~ be provided to each
2739 purchaser, and the following caveat in conspicuous type must
2740 ~~shall~~ be placed on the inside front cover or on the first page
2741 containing text material of the sales brochure, or otherwise
2742 conspicuously displayed: "ORAL REPRESENTATIONS CANNOT BE RELIED
2743 UPON AS CORRECTLY STATING REPRESENTATIONS OF THE DEVELOPER. FOR
2744 CORRECT REPRESENTATIONS, MAKE REFERENCE TO THIS BROCHURE AND TO
2745 THE DOCUMENTS REQUIRED BY SECTION 718.503, FLORIDA STATUTES, TO
2746 BE FURNISHED BY A DEVELOPER TO A BUYER OR LESSEE." If timeshare
2747 estates have been or may be created with respect to any unit in
2748 the condominium, the sales brochure must ~~shall~~ contain the
2749 following statement in conspicuous type: "UNITS IN THIS
2750 CONDOMINIUM ARE SUBJECT TO TIMESHARE ESTATES."

2751 (c) If a unit is located within a condominium that is
2752 created within a portion of a building or within a multiple
2753 parcel building, the developer or nondeveloper unit owner must
2754 provide the disclosures required by s. 718.407(5).

2755 Section 26. Effective October 1, 2024, section 718.504,
2756 Florida Statutes, is amended to read:

2757 718.504 Prospectus or offering circular.—Every developer of
2758 a residential condominium which contains more than 20
2759 residential units, or which is part of a group of residential
2760 condominiums which will be served by property to be used in
2761 common by unit owners of more than 20 residential units, shall
2762 prepare a prospectus or offering circular and file it with the
2763 Division of Florida Condominiums, Timeshares, and Mobile Homes
2764 prior to entering into an enforceable contract of purchase and
2765 sale of any unit or lease of a unit for more than 5 years and



2766 shall furnish a copy of the prospectus or offering circular to
2767 each buyer. In addition to the prospectus or offering circular,
2768 each buyer shall be furnished a separate page entitled
2769 "Frequently Asked Questions and Answers," which shall be in
2770 accordance with a format approved by the division and a copy of
2771 the financial information required by s. 718.111. This page
2772 shall, in readable language, inform prospective purchasers
2773 regarding their voting rights and unit use restrictions,
2774 including restrictions on the leasing of a unit; shall indicate
2775 whether and in what amount the unit owners or the association is
2776 obligated to pay rent or land use fees for recreational or other
2777 commonly used facilities; shall contain a statement identifying
2778 that amount of assessment which, pursuant to the budget, would
2779 be levied upon each unit type, exclusive of any special
2780 assessments, and which shall further identify the basis upon
2781 which assessments are levied, whether monthly, quarterly, or
2782 otherwise; shall state and identify any court cases in which the
2783 association is currently a party of record in which the
2784 association may face liability in excess of \$100,000; shall
2785 state whether the condominium is created within a portion of a
2786 building or a multiple parcel building; and which shall further
2787 state whether membership in a recreational facilities
2788 association is mandatory, and if so, shall identify the fees
2789 currently charged per unit type. The division shall by rule
2790 require such other disclosure as in its judgment will assist
2791 prospective purchasers. The prospectus or offering circular may
2792 include more than one condominium, although not all such units
2793 are being offered for sale as of the date of the prospectus or
2794 offering circular. The prospectus or offering circular must



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2795 contain the following information:

2796 (1) The front cover or the first page must contain only:

2797 (a) The name of the condominium.

2798 (b) The following statements in conspicuous type:

2799

2800 1. THIS PROSPECTUS (OFFERING CIRCULAR) CONTAINS
2801 IMPORTANT MATTERS TO BE CONSIDERED IN ACQUIRING A
2802 CONDOMINIUM UNIT.

2803 2. THE STATEMENTS CONTAINED HEREIN ARE ONLY
2804 SUMMARY IN NATURE. A PROSPECTIVE PURCHASER SHOULD
2805 REFER TO ALL REFERENCES, ALL EXHIBITS HERETO, THE
2806 CONTRACT DOCUMENTS, AND SALES MATERIALS.

2807 3. ORAL REPRESENTATIONS CANNOT BE RELIED UPON AS
2808 CORRECTLY STATING THE REPRESENTATIONS OF THE
2809 DEVELOPER. REFER TO THIS PROSPECTUS (OFFERING
2810 CIRCULAR) AND ITS EXHIBITS FOR CORRECT
2811 REPRESENTATIONS.

2812

2813 (2) Summary: The next page must contain all statements
2814 required to be in conspicuous type in the prospectus or offering
2815 circular.

2816 (3) A separate index of the contents and exhibits of the
2817 prospectus.

2818 (4) Beginning on the first page of the text (not including
2819 the summary and index), a description of the condominium,
2820 including, but not limited to, the following information:

2821 (a) Its name and location.

2822 (b) A description of the condominium property, including,
2823 without limitation:



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2824 1. The number of buildings, the number of units in each
2825 building, the number of bathrooms and bedrooms in each unit, and
2826 the total number of units, if the condominium is not a phase
2827 condominium, or the maximum number of buildings that may be
2828 contained within the condominium, the minimum and maximum
2829 numbers of units in each building, the minimum and maximum
2830 numbers of bathrooms and bedrooms that may be contained in each
2831 unit, and the maximum number of units that may be contained
2832 within the condominium, if the condominium is a phase
2833 condominium.

2834 2. The page in the condominium documents where a copy of
2835 the plot plan and survey of the condominium is located.

2836 3. The estimated latest date of completion of constructing,
2837 finishing, and equipping. In lieu of a date, the description
2838 shall include a statement that the estimated date of completion
2839 of the condominium is in the purchase agreement and a reference
2840 to the article or paragraph containing that information.

2841 (c) The maximum number of units that will use facilities in
2842 common with the condominium. If the maximum number of units will
2843 vary, a description of the basis for variation and the minimum
2844 amount of dollars per unit to be spent for additional
2845 recreational facilities or enlargement of such facilities. If
2846 the addition or enlargement of facilities will result in a
2847 material increase of a unit owner's maintenance expense or
2848 rental expense, if any, the maximum increase and limitations
2849 thereon shall be stated.

2850 (5) (a) A statement in conspicuous type describing whether
2851 the condominium is created and being sold as fee simple
2852 interests or as leasehold interests. If the condominium is



2853 created or being sold on a leasehold, the location of the lease
2854 in the disclosure materials shall be stated.

2855 (b) If timeshare estates are or may be created with respect
2856 to any unit in the condominium, a statement in conspicuous type
2857 stating that timeshare estates are created and being sold in
2858 units in the condominium.

2859 (6) A description of the recreational and other commonly
2860 used facilities that will be used only by unit owners of the
2861 condominium, including, but not limited to, the following:

2862 (a) Each room and its intended purposes, location,
2863 approximate floor area, and capacity in numbers of people.

2864 (b) Each swimming pool, as to its general location,
2865 approximate size and depths, approximate deck size and capacity,
2866 and whether heated.

2867 (c) Additional facilities, as to the number of each
2868 facility, its approximate location, approximate size, and
2869 approximate capacity.

2870 (d) A general description of the items of personal property
2871 and the approximate number of each item of personal property
2872 that the developer is committing to furnish for each room or
2873 other facility or, in the alternative, a representation as to
2874 the minimum amount of expenditure that will be made to purchase
2875 the personal property for the facility.

2876 (e) The estimated date when each room or other facility
2877 will be available for use by the unit owners.

2878 (f)1. An identification of each room or other facility to
2879 be used by unit owners that will not be owned by the unit owners
2880 or the association;

2881 2. A reference to the location in the disclosure materials



2882 of the lease or other agreements providing for the use of those
2883 facilities; and

2884 3. A description of the terms of the lease or other
2885 agreements, including the length of the term; the rent payable,
2886 directly or indirectly, by each unit owner, and the total rent
2887 payable to the lessor, stated in monthly and annual amounts for
2888 the entire term of the lease; and a description of any option to
2889 purchase the property leased under any such lease, including the
2890 time the option may be exercised, the purchase price or how it
2891 is to be determined, the manner of payment, and whether the
2892 option may be exercised for a unit owner's share or only as to
2893 the entire leased property.

2894 (g) A statement as to whether the developer may provide
2895 additional facilities not described above; their general
2896 locations and types; improvements or changes that may be made;
2897 the approximate dollar amount to be expended; and the maximum
2898 additional common expense or cost to the individual unit owners
2899 that may be charged during the first annual period of operation
2900 of the modified or added facilities.

2901
2902 Descriptions as to locations, areas, capacities, numbers,
2903 volumes, or sizes may be stated as approximations or minimums.

2904 (7) A description of the recreational and other facilities
2905 that will be used in common with other condominiums, community
2906 associations, or planned developments which require the payment
2907 of the maintenance and expenses of such facilities, directly or
2908 indirectly, by the unit owners. The description shall include,
2909 but not be limited to, the following:

2910 (a) Each building and facility committed to be built and a



2911 summary description of the structural integrity of each building
2912 for which reserves are required pursuant to s. 718.112(2)(g).

2913 (b) Facilities not committed to be built except under
2914 certain conditions, and a statement of those conditions or
2915 contingencies.

2916 (c) As to each facility committed to be built, or which
2917 will be committed to be built upon the happening of one of the
2918 conditions in paragraph (b), a statement of whether it will be
2919 owned by the unit owners having the use thereof or by an
2920 association or other entity which will be controlled by them, or
2921 others, and the location in the exhibits of the lease or other
2922 document providing for use of those facilities.

2923 (d) The year in which each facility will be available for
2924 use by the unit owners or, in the alternative, the maximum
2925 number of unit owners in the project at the time each of all of
2926 the facilities is committed to be completed.

2927 (e) A general description of the items of personal
2928 property, and the approximate number of each item of personal
2929 property, that the developer is committing to furnish for each
2930 room or other facility or, in the alternative, a representation
2931 as to the minimum amount of expenditure that will be made to
2932 purchase the personal property for the facility.

2933 (f) If there are leases, a description thereof, including
2934 the length of the term, the rent payable, and a description of
2935 any option to purchase.

2936
2937 Descriptions shall include location, areas, capacities, numbers,
2938 volumes, or sizes and may be stated as approximations or
2939 minimums.



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2940 (8) Recreation lease or associated club membership:
2941 (a) If any recreational facilities or other facilities
2942 offered by the developer and available to, or to be used by,
2943 unit owners are to be leased or have club membership associated,
2944 the following statement in conspicuous type shall be included:
2945 "THERE IS A RECREATIONAL FACILITIES LEASE ASSOCIATED WITH THIS
2946 CONDOMINIUM; or, THERE IS A CLUB MEMBERSHIP ASSOCIATED WITH THIS
2947 CONDOMINIUM." There shall be a reference to the location in the
2948 disclosure materials where the recreation lease or club
2949 membership is described in detail.
2950 (b) If it is mandatory that unit owners pay a fee, rent,
2951 dues, or other charges under a recreational facilities lease or
2952 club membership for the use of facilities, there shall be in
2953 conspicuous type the applicable statement:
2954 1. MEMBERSHIP IN THE RECREATIONAL FACILITIES CLUB IS
2955 MANDATORY FOR UNIT OWNERS; or
2956 2. UNIT OWNERS ARE REQUIRED, AS A CONDITION OF OWNERSHIP,
2957 TO BE LESSEES UNDER THE RECREATIONAL FACILITIES LEASE; or
2958 3. UNIT OWNERS ARE REQUIRED TO PAY THEIR SHARE OF THE COSTS
2959 AND EXPENSES OF MAINTENANCE, MANAGEMENT, UPKEEP, REPLACEMENT,
2960 RENT, AND FEES UNDER THE RECREATIONAL FACILITIES LEASE (OR THE
2961 OTHER INSTRUMENTS PROVIDING THE FACILITIES); or
2962 4. A similar statement of the nature of the organization or
2963 the manner in which the use rights are created, and that unit
2964 owners are required to pay.
2965
2966 Immediately following the applicable statement, the location in
2967 the disclosure materials where the development is described in
2968 detail shall be stated.



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2969 (c) If the developer, or any other person other than the
2970 unit owners and other persons having use rights in the
2971 facilities, reserves, or is entitled to receive, any rent, fee,
2972 or other payment for the use of the facilities, then there shall
2973 be the following statement in conspicuous type: "THE UNIT OWNERS
2974 OR THE ASSOCIATION(S) MUST PAY RENT OR LAND USE FEES FOR
2975 RECREATIONAL OR OTHER COMMONLY USED FACILITIES." Immediately
2976 following this statement, the location in the disclosure
2977 materials where the rent or land use fees are described in
2978 detail shall be stated.

2979 (d) If, in any recreation format, whether leasehold, club,
2980 or other, any person other than the association has the right to
2981 a lien on the units to secure the payment of assessments, rent,
2982 or other exactions, there shall appear a statement in
2983 conspicuous type in substantially the following form:

2984
2985 1. THERE IS A LIEN OR LIEN RIGHT AGAINST EACH
2986 UNIT TO SECURE THE PAYMENT OF RENT AND OTHER EXACTIONS
2987 UNDER THE RECREATION LEASE. THE UNIT OWNER'S FAILURE
2988 TO MAKE THESE PAYMENTS MAY RESULT IN FORECLOSURE OF
2989 THE LIEN; or

2990 2. THERE IS A LIEN OR LIEN RIGHT AGAINST EACH
2991 UNIT TO SECURE THE PAYMENT OF ASSESSMENTS OR OTHER
2992 EXACTIONS COMING DUE FOR THE USE, MAINTENANCE, UPKEEP,
2993 OR REPAIR OF THE RECREATIONAL OR COMMONLY USED
2994 FACILITIES. THE UNIT OWNER'S FAILURE TO MAKE THESE
2995 PAYMENTS MAY RESULT IN FORECLOSURE OF THE LIEN.

2996
2997 Immediately following the applicable statement, the location in



2998 the disclosure materials where the lien or lien right is
2999 described in detail shall be stated.

3000 (9) If the developer or any other person has the right to
3001 increase or add to the recreational facilities at any time after
3002 the establishment of the condominium whose unit owners have use
3003 rights therein, without the consent of the unit owners or
3004 associations being required, there shall appear a statement in
3005 conspicuous type in substantially the following form:

3006 "RECREATIONAL FACILITIES MAY BE EXPANDED OR ADDED WITHOUT
3007 CONSENT OF UNIT OWNERS OR THE ASSOCIATION(S)." Immediately
3008 following this statement, the location in the disclosure
3009 materials where such reserved rights are described shall be
3010 stated.

3011 (10) A statement of whether the developer's plan includes a
3012 program of leasing units rather than selling them, or leasing
3013 units and selling them subject to such leases. If so, there
3014 shall be a description of the plan, including the number and
3015 identification of the units and the provisions and term of the
3016 proposed leases, and a statement in boldfaced type that: "THE
3017 UNITS MAY BE TRANSFERRED SUBJECT TO A LEASE."

3018 (11) The arrangements for management of the association and
3019 maintenance and operation of the condominium property and of
3020 other property that will serve the unit owners of the
3021 condominium property, and a description of the management
3022 contract and all other contracts for these purposes having a
3023 term in excess of 1 year, including the following:

- 3024 (a) The names of contracting parties.
3025 (b) The term of the contract.
3026 (c) The nature of the services included.



3027 (d) The compensation, stated on a monthly and annual basis,
3028 and provisions for increases in the compensation.

3029 (e) A reference to the volumes and pages of the condominium
3030 documents and of the exhibits containing copies of such
3031 contracts.

3032
3033 Copies of all described contracts shall be attached as exhibits.
3034 If there is a contract for the management of the condominium
3035 property, then a statement in conspicuous type in substantially
3036 the following form shall appear, identifying the proposed or
3037 existing contract manager: "THERE IS (IS TO BE) A CONTRACT FOR
3038 THE MANAGEMENT OF THE CONDOMINIUM PROPERTY WITH (NAME OF THE
3039 CONTRACT MANAGER)." Immediately following this statement, the
3040 location in the disclosure materials of the contract for
3041 management of the condominium property shall be stated.

3042 (12) If the developer or any other person or persons other
3043 than the unit owners has the right to retain control of the
3044 board of administration of the association for a period of time
3045 which can exceed 1 year after the closing of the sale of a
3046 majority of the units in that condominium to persons other than
3047 successors or alternate developers, then a statement in
3048 conspicuous type in substantially the following form shall be
3049 included: "THE DEVELOPER (OR OTHER PERSON) HAS THE RIGHT TO
3050 RETAIN CONTROL OF THE ASSOCIATION AFTER A MAJORITY OF THE UNITS
3051 HAVE BEEN SOLD." Immediately following this statement, the
3052 location in the disclosure materials where this right to control
3053 is described in detail shall be stated.

3054 (13) If there are any restrictions upon the sale, transfer,
3055 conveyance, or leasing of a unit, then a statement in



3056 conspicuous type in substantially the following form shall be
3057 included: "THE SALE, LEASE, OR TRANSFER OF UNITS IS RESTRICTED
3058 OR CONTROLLED." Immediately following this statement, the
3059 location in the disclosure materials where the restriction,
3060 limitation, or control on the sale, lease, or transfer of units
3061 is described in detail shall be stated.

3062 (14) If the condominium is part of a phase project, the
3063 following information shall be stated:

3064 (a) A statement in conspicuous type in substantially the
3065 following form: "THIS IS A PHASE CONDOMINIUM. ADDITIONAL LAND
3066 AND UNITS MAY BE ADDED TO THIS CONDOMINIUM." Immediately
3067 following this statement, the location in the disclosure
3068 materials where the phasing is described shall be stated.

3069 (b) A summary of the provisions of the declaration which
3070 provide for the phasing.

3071 (c) A statement as to whether or not residential buildings
3072 and units which are added to the condominium may be
3073 substantially different from the residential buildings and units
3074 originally in the condominium. If the added residential
3075 buildings and units may be substantially different, there shall
3076 be a general description of the extent to which such added
3077 residential buildings and units may differ, and a statement in
3078 conspicuous type in substantially the following form shall be
3079 included: "BUILDINGS AND UNITS WHICH ARE ADDED TO THE
3080 CONDOMINIUM MAY BE SUBSTANTIALLY DIFFERENT FROM THE OTHER
3081 BUILDINGS AND UNITS IN THE CONDOMINIUM." Immediately following
3082 this statement, the location in the disclosure materials where
3083 the extent to which added residential buildings and units may
3084 substantially differ is described shall be stated.



3085 (d) A statement of the maximum number of buildings
3086 containing units, the maximum and minimum numbers of units in
3087 each building, the maximum number of units, and the minimum and
3088 maximum square footage of the units that may be contained within
3089 each parcel of land which may be added to the condominium.

3090 (15) If a condominium created on or after July 1, 2000, is
3091 or may become part of a multicondominium, the following
3092 information must be provided:

3093 (a) A statement in conspicuous type in substantially the
3094 following form: "THIS CONDOMINIUM IS (MAY BE) PART OF A
3095 MULTICONDOMINIUM DEVELOPMENT IN WHICH OTHER CONDOMINIUMS WILL
3096 (MAY) BE OPERATED BY THE SAME ASSOCIATION." Immediately
3097 following this statement, the location in the prospectus or
3098 offering circular and its exhibits where the multicondominium
3099 aspects of the offering are described must be stated.

3100 (b) A summary of the provisions in the declaration,
3101 articles of incorporation, and bylaws which establish and
3102 provide for the operation of the multicondominium, including a
3103 statement as to whether unit owners in the condominium will have
3104 the right to use recreational or other facilities located or
3105 planned to be located in other condominiums operated by the same
3106 association, and the manner of sharing the common expenses
3107 related to such facilities.

3108 (c) A statement of the minimum and maximum number of
3109 condominiums, and the minimum and maximum number of units in
3110 each of those condominiums, which will or may be operated by the
3111 association, and the latest date by which the exact number will
3112 be finally determined.

3113 (d) A statement as to whether any of the condominiums in



3114 the multicondominium may include units intended to be used for
3115 nonresidential purposes and the purpose or purposes permitted
3116 for such use.

3117 (e) A general description of the location and approximate
3118 acreage of any land on which any additional condominiums to be
3119 operated by the association may be located.

3120 (16) If the condominium is created by conversion of
3121 existing improvements, the following information shall be
3122 stated:

3123 (a) The information required by s. 718.616.

3124 (b) A caveat that there are no express warranties unless
3125 they are stated in writing by the developer.

3126 (17) A summary of the restrictions, if any, to be imposed
3127 on units concerning the use of any of the condominium property,
3128 including statements as to whether there are restrictions upon
3129 children and pets, and reference to the volumes and pages of the
3130 condominium documents where such restrictions are found, or if
3131 such restrictions are contained elsewhere, then a copy of the
3132 documents containing the restrictions shall be attached as an
3133 exhibit.

3134 (18) If there is any land that is offered by the developer
3135 for use by the unit owners and that is neither owned by them nor
3136 leased to them, the association, or any entity controlled by
3137 unit owners and other persons having the use rights to such
3138 land, a statement shall be made as to how such land will serve
3139 the condominium. If any part of such land will serve the
3140 condominium, the statement shall describe the land and the
3141 nature and term of service, and the declaration or other
3142 instrument creating such servitude shall be included as an



3143 exhibit.

3144 (19) The manner in which utility and other services,
3145 including, but not limited to, sewage and waste disposal, water
3146 supply, and storm drainage, will be provided and the person or
3147 entity furnishing them.

3148 (20) An explanation of the manner in which the
3149 apportionment of common expenses and ownership of the common
3150 elements has been determined.

3151 (21) An estimated operating budget for the condominium and
3152 the association, and a schedule of the unit owner's expenses
3153 shall be attached as an exhibit and shall contain the following
3154 information:

3155 (a) The estimated monthly and annual expenses of the
3156 condominium and the association that are collected from unit
3157 owners by assessments.

3158 (b) The estimated monthly and annual expenses of each unit
3159 owner for a unit, other than common expenses paid by all unit
3160 owners, payable by the unit owner to persons or entities other
3161 than the association, as well as to the association, including
3162 fees assessed pursuant to s. 718.113(1) for maintenance of
3163 limited common elements where such costs are shared only by
3164 those entitled to use the limited common element, and the total
3165 estimated monthly and annual expense. There may be excluded from
3166 this estimate expenses which are not provided for or
3167 contemplated by the condominium documents, including, but not
3168 limited to, the costs of private telephone; maintenance of the
3169 interior of condominium units, which is not the obligation of
3170 the association; maid or janitorial services privately
3171 contracted for by the unit owners; utility bills billed directly



3172 to each unit owner for utility services to his or her unit;
3173 insurance premiums other than those incurred for policies
3174 obtained by the condominium; and similar personal expenses of
3175 the unit owner. A unit owner's estimated payments for
3176 assessments shall also be stated in the estimated amounts for
3177 the times when they will be due.

3178 (c) The estimated items of expenses of the condominium and
3179 the association, except as excluded under paragraph (b),
3180 including, but not limited to, the following items, which shall
3181 be stated as an association expense collectible by assessments
3182 or as unit owners' expenses payable to persons other than the
3183 association:

3184 1. Expenses for the association and condominium:
3185 a. Administration of the association.
3186 b. Management fees.
3187 c. Maintenance.
3188 d. Rent for recreational and other commonly used
3189 facilities.

3190 e. Taxes upon association property.

3191 f. Taxes upon leased areas.

3192 g. Insurance.

3193 h. Security provisions.

3194 i. Other expenses.

3195 j. Operating capital.

3196 k. Reserves for all applicable items referenced in s.

3197 718.112(2)(g).

3198 1. Fees payable to the division.

3199 2. Expenses for a unit owner:

3200 a. Rent for the unit, if subject to a lease.



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3201 b. Rent payable by the unit owner directly to the lessor or
3202 agent under any recreational lease or lease for the use of
3203 commonly used facilities, which use and payment is a mandatory
3204 condition of ownership and is not included in the common expense
3205 or assessments for common maintenance paid by the unit owners to
3206 the association.

3207 (d) The following statement in conspicuous type:
3208

3209 THE BUDGET CONTAINED IN THIS OFFERING CIRCULAR HAS
3210 BEEN PREPARED IN ACCORDANCE WITH THE CONDOMINIUM ACT
3211 AND IS A GOOD FAITH ESTIMATE ONLY AND REPRESENTS AN
3212 APPROXIMATION OF FUTURE EXPENSES BASED ON FACTS AND
3213 CIRCUMSTANCES EXISTING AT THE TIME OF ITS PREPARATION.
3214 ACTUAL COSTS OF SUCH ITEMS MAY EXCEED THE ESTIMATED
3215 COSTS. SUCH CHANGES IN COST DO NOT CONSTITUTE MATERIAL
3216 ADVERSE CHANGES IN THE OFFERING.
3217

3218 (e) Each budget for an association prepared by a developer
3219 consistent with this subsection shall be prepared in good faith
3220 and shall reflect accurate estimated amounts for the required
3221 items in paragraph (c) at the time of the filing of the offering
3222 circular with the division, and subsequent increased amounts of
3223 any item included in the association's estimated budget that are
3224 beyond the control of the developer shall not be considered an
3225 amendment that would give rise to rescission rights set forth in
3226 s. 718.503(1)(a) or (b), nor shall such increases modify, void,
3227 or otherwise affect any guarantee of the developer contained in
3228 the offering circular or any purchase contract. It is the intent
3229 of this paragraph to clarify existing law.



3230 (f) The estimated amounts shall be stated for a period of
3231 at least 12 months and may distinguish between the period prior
3232 to the time unit owners other than the developer elect a
3233 majority of the board of administration and the period after
3234 that date.

3235 (22) A schedule of estimated closing expenses to be paid by
3236 a buyer or lessee of a unit and a statement of whether title
3237 opinion or title insurance policy is available to the buyer and,
3238 if so, at whose expense.

3239 (23) The identity of the developer and the chief operating
3240 officer or principal directing the creation and sale of the
3241 condominium and a statement of its and his or her experience in
3242 this field.

3243 (24) Copies of the following, to the extent they are
3244 applicable, shall be included as exhibits:

3245 (a) The declaration of condominium, or the proposed
3246 declaration if the declaration has not been recorded.

3247 (b) The articles of incorporation creating the association.

3248 (c) The bylaws of the association.

3249 (d) The ground lease or other underlying lease of the
3250 condominium.

3251 (e) The management agreement and all maintenance and other
3252 contracts for management of the association and operation of the
3253 condominium and facilities used by the unit owners having a
3254 service term in excess of 1 year.

3255 (f) The estimated operating budget for the condominium, the
3256 required schedule of unit owners' expenses, and the
3257 association's most recent structural integrity reserve study or
3258 a statement that the association has not completed a structural



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3259 integrity reserve study.

3260 (g) A copy of the floor plan of the unit and the plot plan
3261 showing the location of the residential buildings and the
3262 recreation and other common areas.

3263 (h) The lease of recreational and other facilities that
3264 will be used only by unit owners of the subject condominium.

3265 (i) The lease of facilities used by owners and others.

3266 (j) The form of unit lease, if the offer is of a leasehold.

3267 (k) A declaration of servitude of properties serving the
3268 condominium but not owned by unit owners or leased to them or
3269 the association.

3270 (l) The statement of condition of the existing building or
3271 buildings, if the offering is of units in an operation being
3272 converted to condominium ownership.

3273 (m) The statement of inspection for termite damage and
3274 treatment of the existing improvements, if the condominium is a
3275 conversion.

3276 (n) The form of agreement for sale or lease of units.

3277 (o) A copy of the agreement for escrow of payments made to
3278 the developer prior to closing.

3279 (p) A copy of the documents containing any restrictions on
3280 use of the property required by subsection (17).

3281 (q) A copy of the inspector-prepared summary of the
3282 milestone inspection report as described in ss. 553.899 and
3283 718.301(4)(p), as applicable.

3284 (25) Any prospectus or offering circular complying, prior
3285 to the effective date of this act, with the provisions of former
3286 ss. 711.69 and 711.802 may continue to be used without amendment
3287 or may be amended to comply with this chapter.



3288 (26) A brief narrative description of the location and
3289 effect of all existing and intended easements located or to be
3290 located on the condominium property other than those described
3291 in the declaration.

3292 (27) If the developer is required by state or local
3293 authorities to obtain acceptance or approval of any dock or
3294 marina facilities intended to serve the condominium, a copy of
3295 any such acceptance or approval acquired by the time of filing
3296 with the division under s. 718.502(1) or a statement that such
3297 acceptance or approval has not been acquired or received.

3298 (28) Evidence demonstrating that the developer has an
3299 ownership, leasehold, or contractual interest in the land upon
3300 which the condominium is to be developed.

3301 Section 27. Subsection (1) of section 718.618, Florida
3302 Statutes, is amended to read:

3303 718.618 Converter reserve accounts; warranties.—

3304 (1) When existing improvements are converted to ownership
3305 as a residential condominium, the developer shall establish
3306 converter reserve accounts for capital expenditures and planned
3307 ~~deferred~~ maintenance, or give warranties as provided by
3308 subsection (6), or post a surety bond as provided by subsection
3309 (7). The developer shall fund the converter reserve accounts in
3310 amounts calculated as follows:

3311 (a)1. When the existing improvements include an air-
3312 conditioning system serving more than one unit or property which
3313 the association is responsible to repair, maintain, or replace,
3314 the developer shall fund an air-conditioning reserve account.
3315 The amount of the reserve account shall be the product of the
3316 estimated current replacement cost of the system, as disclosed



3317 and substantiated pursuant to s. 718.616(3)(b), multiplied by a
3318 fraction, the numerator of which shall be the lesser of the age
3319 of the system in years or 9, and the denominator of which shall
3320 be 10. When such air-conditioning system is within 1,000 yards
3321 of the seacoast, the numerator shall be the lesser of the age of
3322 the system in years or 3, and the denominator shall be 4.

3323 2. The developer shall fund a plumbing reserve account. The
3324 amount of the funding shall be the product of the estimated
3325 current replacement cost of the plumbing component, as disclosed
3326 and substantiated pursuant to s. 718.616(3)(b), multiplied by a
3327 fraction, the numerator of which shall be the lesser of the age
3328 of the plumbing in years or 36, and the denominator of which
3329 shall be 40.

3330 3. The developer shall fund a roof reserve account. The
3331 amount of the funding shall be the product of the estimated
3332 current replacement cost of the roofing component, as disclosed
3333 and substantiated pursuant to s. 718.616(3)(b), multiplied by a
3334 fraction, the numerator of which shall be the lesser of the age
3335 of the roof in years or the numerator listed in the following
3336 table. The denominator of the fraction shall be determined based
3337 on the roof type, as follows:

	Roof Type	Numerator	Denominator
3339	a. Built-up roof without insulation	4	5
3340	b. Built-up roof with insulation	4	5



3341	c.	Cement tile roof	45	50
3342	d.	Asphalt shingle roof	14	15
3343	e.	Copper roof		
3344	f.	Wood shingle roof	9	10
3345	g.	All other types	18	20

3346
3347
3348

3349 (b) The age of any component or structure for which the
3350 developer is required to fund a reserve account shall be
3351 measured in years, rounded to the nearest whole year. The amount
3352 of converter reserves to be funded by the developer for each
3353 structure or component shall be based on the age of the
3354 structure or component as disclosed in the inspection report.
3355 The architect or engineer shall determine the age of the
3356 component from the later of:

3357 1. The date when the component or structure was replaced or
3358 substantially renewed, if the replacement or renewal of the
3359 component at least met the requirements of the then-applicable
3360 building code; or

3361 2. The date when the installation or construction of the
3362 existing component or structure was completed.

3363 (c) When the age of a component or structure is to be



3364 measured from the date of replacement or renewal, the developer
3365 shall provide the division with a certificate, under the seal of
3366 an architect or engineer authorized to practice in this state,
3367 verifying:

- 3368 1. The date of the replacement or renewal; and
3369 2. That the replacement or renewal at least met the
3370 requirements of the then-applicable building code.

3371 (d) In addition to establishing the reserve accounts
3372 specified above, the developer shall establish those other
3373 reserve accounts required by s. 718.112(2)(f), and shall fund
3374 those accounts in accordance with the formula provided therein.
3375 The vote to waive or reduce the funding or reserves required by
3376 s. 718.112(2)(f) does not affect or negate the obligations
3377 arising under this section.

3378 Section 28. Paragraphs (j) and (k) of subsection (1) of
3379 section 719.106, Florida Statutes, are amended to read:

3380 719.106 Bylaws; cooperative ownership.—

3381 (1) MANDATORY PROVISIONS.—The bylaws or other cooperative
3382 documents shall provide for the following, and if they do not,
3383 they shall be deemed to include the following:

3384 (j) *Annual budget.*—

3385 1. The proposed annual budget of common expenses must be
3386 detailed and must show the amounts budgeted by accounts and
3387 expense classifications, including, if applicable, but not
3388 limited to, those expenses listed in s. 719.504(20). The board
3389 of administration shall adopt the annual budget at least 14 days
3390 before the start of the association's fiscal year. In the event
3391 that the board fails to timely adopt the annual budget a second
3392 time, it is deemed a minor violation and the prior year's budget



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3393 shall continue in effect until a new budget is adopted.
3394 2. In addition to annual operating expenses, the budget
3395 must include reserve accounts for capital expenditures and
3396 planned ~~deferred~~ maintenance. These accounts must include, but
3397 not be limited to, roof replacement, building painting, and
3398 pavement resurfacing, regardless of the amount of planned
3399 ~~deferred~~ maintenance expense or replacement cost, and for any
3400 other items for which the planned ~~deferred~~ maintenance expense
3401 or replacement cost exceeds \$10,000. The amount to be reserved
3402 must be computed by means of a formula which is based upon
3403 estimated remaining useful life and estimated replacement cost
3404 or planned ~~deferred~~ maintenance expense of the reserve item. In
3405 a budget adopted by an association that is required to obtain a
3406 structural integrity reserve study, reserves must be maintained
3407 for the items identified in paragraph (k) for which the
3408 association is responsible pursuant to the declaration, and the
3409 reserve amount for such items must be based on the findings and
3410 recommendations of the association's most recent structural
3411 integrity reserve study. With respect to items for which an
3412 estimate of useful life is not readily ascertainable or with an
3413 estimated remaining useful life of greater than 25 years, an
3414 association is not required to reserve replacement costs for
3415 such items, but an association must reserve the amount of
3416 planned ~~deferred~~ maintenance expense, if any, which is
3417 recommended by the structural integrity reserve study for such
3418 items. The association may adjust replacement reserve
3419 assessments annually to take into account an inflation
3420 adjustment and any changes in estimates or extension of the
3421 useful life of a reserve item caused by planned ~~deferred~~



3422 maintenance. The members of a unit-owner-controlled association
3423 may determine, by a majority vote of the total voting interests
3424 of the association, for a fiscal year to provide no reserves or
3425 reserves less adequate than required by this subsection. Before
3426 turnover of control of an association by a developer to unit
3427 owners other than a developer under s. 719.301, the developer-
3428 controlled association may not vote to waive the reserves or
3429 reduce funding of the reserves. For a budget adopted on or after
3430 December 31, 2024, a unit-owner-controlled association that must
3431 obtain a structural integrity reserve study may not determine to
3432 provide no reserves or reserves less adequate than required by
3433 this paragraph for items listed in paragraph (k). If a meeting
3434 of the unit owners has been called to determine to provide no
3435 reserves, or reserves less adequate than required, and such
3436 result is not attained or a quorum is not attained, the reserves
3437 as included in the budget shall go into effect.

3438 3. Reserve funds and any interest accruing thereon shall
3439 remain in the reserve account or accounts, and shall be used
3440 only for authorized reserve expenditures unless their use for
3441 other purposes is approved in advance by a vote of the majority
3442 of the total voting interests of the association. Before
3443 turnover of control of an association by a developer to unit
3444 owners other than the developer under s. 719.301, the developer
3445 may not vote to use reserves for purposes other than that for
3446 which they were intended. For a budget adopted on or after
3447 December 31, 2024, members of a unit-owner-controlled
3448 association that must obtain a structural integrity reserve
3449 study may not vote to use reserve funds, or any interest
3450 accruing thereon, for purposes other than the replacement or



3451 planned ~~deferred~~ maintenance costs of the components listed in
3452 paragraph (k).

3453 (k) *Structural integrity reserve study.*—

3454 1. A residential cooperative association must have a
3455 structural integrity reserve study completed at least every 10
3456 years for each building on the cooperative property that is
3457 three stories or higher in height, as determined by the Florida
3458 Building Code, that includes, at a minimum, a study of the
3459 following items as related to the structural integrity and
3460 safety of the building:

3461 a. Roof.

3462 b. Structure, including load-bearing walls and other
3463 primary structural members and primary structural systems as
3464 those terms are defined in s. 627.706.

3465 c. Fireproofing and fire protection systems.

3466 d. Plumbing.

3467 e. Electrical systems.

3468 f. Waterproofing and exterior painting.

3469 g. Windows and exterior doors.

3470 h. Any other item that has a planned ~~deferred~~ maintenance
3471 expense or replacement cost that exceeds \$10,000 and the failure
3472 to replace or maintain such item negatively affects the items
3473 listed in sub-subparagraphs a.-g., as determined by the visual
3474 inspection portion of the structural integrity reserve study.

3475 2. A structural integrity reserve study is based on a
3476 visual inspection of the cooperative property. A structural
3477 integrity reserve study may be performed by any person qualified
3478 to perform such study. However, the visual inspection portion of
3479 the structural integrity reserve study must be performed or



3480 verified by an engineer licensed under chapter 471, an architect
3481 licensed under chapter 481, or a person certified as a reserve
3482 specialist or professional reserve analyst by the Community
3483 Associations Institute or the Association of Professional
3484 Reserve Analysts.

3485 3. At a minimum, a structural integrity reserve study must
3486 identify each item of the cooperative property being visually
3487 inspected, state the estimated remaining useful life and the
3488 estimated replacement cost or planned ~~deferred~~ maintenance
3489 expense of each item of the cooperative property being visually
3490 inspected, and provide a reserve funding schedule with a
3491 recommended annual reserve amount that achieves the estimated
3492 replacement cost or planned ~~deferred~~ maintenance expense of each
3493 item of cooperative property being visually inspected by the end
3494 of the estimated remaining useful life of the item. The
3495 structural integrity reserve study may recommend that reserves
3496 do not need to be maintained for any item for which an estimate
3497 of useful life and an estimate of replacement cost cannot be
3498 determined, or the study may recommend a planned ~~deferred~~
3499 maintenance expense amount for such item. The structural
3500 integrity reserve study may recommend that reserves for
3501 replacement costs do not need to be maintained for any item with
3502 an estimated remaining useful life of greater than 25 years, but
3503 the study may recommend a planned ~~deferred~~ maintenance expense
3504 amount for such item.

3505 4. This paragraph does not apply to buildings less than
3506 three stories in height; single-family, two-family, ~~or~~ three-
3507 family, or four-family dwellings with three or fewer habitable
3508 stories above ground; any portion or component of a building



3509 that has not been submitted to the cooperative form of
3510 ownership; or any portion or component of a building that is
3511 maintained by a party other than the association.

3512 5. Before a developer turns over control of an association
3513 to unit owners other than the developer, the developer must have
3514 a turnover inspection report in compliance with s. 719.301(4)(p)
3515 and (q) for each building on the cooperative property that is
3516 three stories or higher in height.

3517 6. Associations existing on or before July 1, 2022, which
3518 are controlled by unit owners other than the developer, must
3519 have a structural integrity reserve study completed by December
3520 31, 2024, for each building on the cooperative property that is
3521 three stories or higher in height. An association that is
3522 required to complete a milestone inspection on or before
3523 December 31, 2026, in accordance with s. 553.899 may complete
3524 the structural integrity reserve study simultaneously with the
3525 milestone inspection. In no event may the structural integrity
3526 reserve study be completed after December 31, 2026.

3527 7. If the milestone inspection required by s. 553.899, or
3528 an inspection completed for a similar local requirement, was
3529 performed within the past 5 years and meets the requirements of
3530 this paragraph, such inspection may be used in place of the
3531 visual inspection portion of the structural integrity reserve
3532 study.

3533 8. If the officers or directors of an association willfully
3534 and knowingly fail to complete a structural integrity reserve
3535 study pursuant to this paragraph, such failure is a breach of an
3536 officer's and director's fiduciary relationship to the unit
3537 owners under s. 719.104(9).



3538 9. Within 45 days after receiving the structural integrity
3539 reserve study, the association shall distribute a copy of the
3540 study to each unit owner or deliver to each unit owner a notice
3541 that the completed study is available for inspection and copying
3542 upon a written request. Distribution of a copy of the study or
3543 notice must be made by United States mail or personal delivery
3544 at the mailing address, property address, or any other address
3545 of the owner provided to fulfill the association's notice
3546 requirements under this chapter, or by electronic transmission
3547 to the e-mail address or facsimile number provided to fulfill
3548 the association's notice requirements to unit owners who
3549 previously consented to receive notice by electronic
3550 transmission.

3551 Section 29. Section 719.129, Florida Statutes, is amended
3552 to read:

3553 719.129 Electronic voting.—The association may conduct
3554 elections and other unit owner votes through an Internet-based
3555 online voting system if a unit owner consents, electronically or
3556 in writing, to online voting and if the following requirements
3557 are met:

3558 (1) The association provides each unit owner with:

3559 (a) A method to authenticate the unit owner's identity to
3560 the online voting system.

3561 (b) For elections of the board, a method to transmit an
3562 electronic ballot to the online voting system that ensures the
3563 secrecy and integrity of each ballot.

3564 (c) A method to confirm, at least 14 days before the voting
3565 deadline, that the unit owner's electronic device can
3566 successfully communicate with the online voting system.



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3567 (2) The association uses an online voting system that is:
3568 (a) Able to authenticate the unit owner's identity.
3569 (b) Able to authenticate the validity of each electronic
3570 vote to ensure that the vote is not altered in transit.
3571 (c) Able to transmit a receipt from the online voting
3572 system to each unit owner who casts an electronic vote.
3573 (d) For elections of the board of administration, able to
3574 permanently separate any authentication or identifying
3575 information from the electronic election ballot, rendering it
3576 impossible to tie an election ballot to a specific unit owner.
3577 (e) Able to store and keep electronic votes accessible to
3578 election officials for recount, inspection, and review purposes.
3579 (3) A unit owner voting electronically pursuant to this
3580 section shall be counted as being in attendance at the meeting
3581 for purposes of determining a quorum. A substantive vote of the
3582 unit owners may not be taken on any issue other than the issues
3583 specifically identified in the electronic vote, when a quorum is
3584 established based on unit owners voting electronically pursuant
3585 to this section.
3586 (4) This section applies to an association that provides
3587 for and authorizes an online voting system pursuant to this
3588 section by a board resolution. The board resolution must provide
3589 that unit owners receive notice of the opportunity to vote
3590 through an online voting system, must establish reasonable
3591 procedures and deadlines for unit owners to consent,
3592 electronically or in writing, to online voting, and must
3593 establish reasonable procedures and deadlines for unit owners to
3594 opt out of online voting after giving consent. Written notice of
3595 a meeting at which the resolution will be considered must be



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3596 mailed, delivered, or electronically transmitted to the unit
3597 owners and posted conspicuously on the condominium property or
3598 association property at least 14 days before the meeting.
3599 Evidence of compliance with the 14-day notice requirement must
3600 be made by an affidavit executed by the person providing the
3601 notice and filed with the official records of the association.

3602 (5) A unit owner's consent to online voting is valid until
3603 the unit owner opts out of online voting pursuant to the
3604 procedures established by the board of administration pursuant
3605 to subsection (4).

3606 (6) This section may apply to any matter that requires a
3607 vote of the unit owners who are not members of a timeshare
3608 cooperative association.

3609 Section 30. Paragraph (p) of subsection (4) of section
3610 719.301, Florida Statutes, is amended to read:

3611 719.301 Transfer of association control.—

3612 (4) When unit owners other than the developer elect a
3613 majority of the members of the board of administration of an
3614 association, the developer shall relinquish control of the
3615 association, and the unit owners shall accept control.
3616 Simultaneously, or for the purpose of paragraph (c) not more
3617 than 90 days thereafter, the developer shall deliver to the
3618 association, at the developer's expense, all property of the
3619 unit owners and of the association held or controlled by the
3620 developer, including, but not limited to, the following items,
3621 if applicable, as to each cooperative operated by the
3622 association:

3623 (p) Notwithstanding when the certificate of occupancy was
3624 issued or the height of the building, a turnover inspection



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3625 report included in the official records, under seal of an
3626 architect or engineer authorized to practice in this state or a
3627 person certified as a reserve specialist or professional reserve
3628 analyst by the Community Associations Institute or the
3629 Association of Professional Reserve Analysts, consisting of a
3630 structural integrity reserve study attesting to required
3631 maintenance, condition, useful life, and replacement costs of
3632 the following applicable cooperative property:

- 3633 1. Roof.
- 3634 2. Structure, including load-bearing walls and primary
3635 structural members and primary structural systems as those terms
3636 are defined in s. 627.706.
- 3637 3. Fireproofing and fire protection systems.
- 3638 4. Plumbing.
- 3639 5. Electrical systems.
- 3640 6. Waterproofing and exterior painting.
- 3641 7. Windows and exterior doors.

3642 Section 31. Subsection (1) of section 719.618, Florida
3643 Statutes, is amended to read:

3644 719.618 Converter reserve accounts; warranties.—

3645 (1) When existing improvements are converted to ownership
3646 as a residential cooperative, the developer shall establish
3647 planned reserve ~~reserve~~ accounts for capital expenditures and deferred
3648 maintenance, or give warranties as provided by subsection (6),
3649 or post a surety bond as provided by subsection (7). The
3650 developer shall fund the reserve accounts in amounts calculated
3651 as follows:

3652 (a)1. When the existing improvements include an air-
3653 conditioning system serving more than one unit or property which



3654 the association is responsible to repair, maintain, or replace,
3655 the developer shall fund an air-conditioning reserve account.
3656 The amount of the reserve account shall be the product of the
3657 estimated current replacement cost of the system, as disclosed
3658 and substantiated pursuant to s. 719.616(3)(b), multiplied by a
3659 fraction, the numerator of which shall be the lesser of the age
3660 of the system in years or 9, and the denominator of which shall
3661 be 10. When such air-conditioning system is within 1,000 yards
3662 of the seacoast, the numerator shall be the lesser of the age of
3663 the system in years or 3, and the denominator shall be 4.

3664 2. The developer shall fund a plumbing reserve account. The
3665 amount of the funding shall be the product of the estimated
3666 current replacement cost of the plumbing component, as disclosed
3667 and substantiated pursuant to s. 719.616(3)(b), multiplied by a
3668 fraction, the numerator of which shall be the lesser of the age
3669 of the plumbing in years or 36, and the denominator of which
3670 shall be 40.

3671 3. The developer shall fund a roof reserve account. The
3672 amount of the funding shall be the product of the estimated
3673 current replacement cost of the roofing component, as disclosed
3674 and substantiated pursuant to s. 719.616(3)(b), multiplied by a
3675 fraction, the numerator of which shall be the lesser of the age
3676 of the roof in years or the numerator listed in the following
3677 table. The denominator of the fraction shall be determined based
3678 on the roof type, as follows:

	Roof Type	Numerator	Denominator
3679			
3680	a. Built-up roof	4	5



3681	without insulation		
	b. Built-up roof with insulation	4	5
3682			
	c. Cement tile roof	45	50
3683			
	d. Asphalt shingle roof	14	15
3684			
	e. Copper roof		
3685			
	f. Wood shingle roof	9	10
3686			
	g. All other types	18	20
3687			
3688			
3689			
3690	(b) The age of any component or structure for which the		
3691	developer is required to fund a reserve account shall be		
3692	measured in years from the later of:		
3693	1. The date when the component or structure was replaced or		
3694	substantially renewed, if the replacement or renewal of the		
3695	component at least met the requirements of the then-applicable		
3696	building code; or		
3697	2. The date when the installation or construction of the		
3698	existing component or structure was completed.		
3699	(c) When the age of a component or structure is to be		
3700	measured from the date of replacement or renewal, the developer		



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3701 shall provide the division with a certificate, under the seal of
3702 an architect or engineer authorized to practice in this state,
3703 verifying:

- 3704 1. The date of the replacement or renewal; and
3705 2. That the replacement or renewal at least met the
3706 requirements of the then-applicable building code.

3707 Section 32. The Division of Florida Condominiums,
3708 Timeshares, and Mobile Homes of the Department of Business and
3709 Professional Regulation shall complete a review of the website
3710 or application requirements for official records under s.
3711 718.111(12)(g), Florida Statutes, and make recommendations
3712 regarding any additional official records of a condominium
3713 association which should be included in the records maintenance
3714 requirement in the statute. The division shall submit the
3715 findings of its review to the Governor, the President of the
3716 Senate, the Speaker of the House of Representatives, and the
3717 chairs of the legislative appropriations committees and
3718 appropriate substantive committees with jurisdiction over
3719 chapter 718, Florida Statutes, by January 1, 2025.

3720 Section 33. The Division of Florida Condominiums,
3721 Timeshares, and Mobile Homes of the Department of Business and
3722 Professional Regulation shall create a database on its website
3723 of the associations that have reported the completion of their
3724 structural integrity reserve study under section 718.112(2)(g),
3725 and under section 719.106(1)(k), by January 1, 2025.

3726 Section 34. For the 2024-2025 fiscal year, the sums of
3727 \$6,122,390 in recurring and \$1,293,879 in nonrecurring funds
3728 from the General Revenue Fund are appropriated to the Department
3729 of Business and Professional Regulation, and 65 full-time



3730 equivalent positions with associated salary rate of 3,180,319
3731 are authorized, for the purpose of implementing this act.

3732 Section 35. The amendments made to ss. 718.103(14) and
3733 718.202(3), Florida Statutes, and the provisions of s.
3734 718.407(1), (2), and (6), Florida Statutes, are intended to
3735 clarify existing law and shall apply retroactively; however,
3736 such amendments do not revive or reinstate any right or interest
3737 that has been fully and finally adjudicated as invalid before
3738 October 1, 2024.

3739 Section 36. The Florida Building Commission shall perform a
3740 study on standards to prevent water intrusion through the tracks
3741 of sliding glass doors, including the consideration of devises
3742 designed to further prevent such water intrusion. The commission
3743 must provide a written report of any recommendations to the
3744 Governor, the President of the Senate, the Speaker of the House
3745 of Representatives, and the chairs of the legislative
3746 appropriations committees and appropriate substantive committees
3747 with jurisdiction over chapter 718, Florida Statutes, by
3748 December 1, 2024.

3749 Section 37. Except as otherwise expressly provided in this
3750 act, this act shall take effect July 1, 2024.

3751
3752 ===== T I T L E A M E N D M E N T =====
3753 And the title is amended as follows:

3754 Delete everything before the enacting clause
3755 and insert:

3756 A bill to be entitled
3757 An act relating to community associations; amending s.
3758 468.4334, F.S.; requiring community associations to



3759 return official records of an association within a
3760 specified period following termination of a contract;
3761 specifying the manner of delivery for the notice of
3762 termination; authorizing the manager or management
3763 firm to retain records for a specified purpose within
3764 a specified timeframe; relieving a manager or
3765 management firm from responsibility if the association
3766 fails to provide access to the records necessary to
3767 complete an ending financial statement or report;
3768 providing a rebuttable presumption regarding
3769 noncompliance; providing penalties for the failure to
3770 timely return official records; providing
3771 applicability; creating s. 468.4335, F.S.; requiring
3772 community association managers and management firms to
3773 provide a written disclosure of certain conflicts of
3774 interest to the association's board; providing a
3775 rebuttable presumption as to the existence of a
3776 conflict; requiring an association to solicit multiple
3777 bids for goods or services under certain
3778 circumstances; providing requirements for an
3779 association to approve any contract or transaction
3780 deemed a conflict of interest; authorizing the
3781 cancellation of a management contract, subject to
3782 certain requirements; specifying liability and
3783 nonliability of the association upon cancellation of
3784 such a contract; authorizing an association to void
3785 certain contracts if certain conflicts were not
3786 disclosed in accordance with the act; defining the
3787 term "relative"; amending s. 468.436, F.S.; revising



3788 the list of grounds for which the Department of
3789 Business and Professional Regulation may take
3790 disciplinary actions against community association
3791 managers or firms, to conform to changes made by the
3792 act; amending s. 553.899, F.S.; revising
3793 applicability; amending s. 718.103, F.S.; revising and
3794 defining terms; amending s. 718.104, F.S.; revising
3795 what must be included in a declaration; requiring that
3796 declarations specify the entity responsible for the
3797 installation, maintenance, repair, or replacement of
3798 hurricane protection; amending s. 718.111, F.S.;
3799 defining the term "kickback"; providing criminal
3800 penalties for any officer, director, or manager of an
3801 association who knowingly solicits, offers to accept,
3802 or accepts a kickback; requiring the Division of
3803 Florida Condominiums, Timeshares, and Mobile Homes to
3804 monitor compliance and issue fines and penalties for
3805 failure of an association to maintain the required
3806 insurance policy or fidelity bonding; revising the
3807 list of records that constitute the official records
3808 of an association; revising maintenance requirements
3809 for official records; revising requirements regarding
3810 requests to inspect or copy association records;
3811 requiring an association to provide a checklist in
3812 response to certain records requests; providing a
3813 rebuttable presumption regarding compliance; providing
3814 criminal penalties for certain violations regarding
3815 noncompliance with records requirements; defining the
3816 term "repeatedly"; requiring that copies of certain



3817 building permits be posted on an association's website
3818 or application; modifying the method of delivery of
3819 certain letters regarding association financial
3820 reports to unit owners; conforming a provision to
3821 changes made by the act; revising circumstances under
3822 which an association may prepare certain reports;
3823 revising applicable law for criminal penalties for
3824 persons who unlawfully use a debit card issued in the
3825 name of an association; defining the term "lawful
3826 obligation of the association"; revising the threshold
3827 for associations that must post certain documents on
3828 their websites or through an application; amending s.
3829 718.112, F.S.; requiring the boards of administration
3830 of associations consisting of more than a specified
3831 number of units to meet a minimum number of times each
3832 quarter; revising requirements regarding notice of
3833 such meetings; requiring a director of a board of an
3834 association to provide a written certification and
3835 complete an educational requirement upon election or
3836 appointment to the board; specifying requirements for
3837 the education curriculum; requiring the association to
3838 bear the costs of the required educational curriculum
3839 and certificate; providing transitional provisions;
3840 requiring that an association's budget include reserve
3841 amounts for planned maintenance, rather than for
3842 deferred maintenance; providing that, upon a
3843 determination by a specified local building official
3844 that an entire condominium building is uninhabitable
3845 due to a natural emergency, the board, upon the



3846 approval of a majority of its members, may pause
3847 contribution to reserves or reduce reserve funding for
3848 a specified period of time; authorizing an association
3849 to expend any reserve accounts held by the association
3850 to make the building and its structures habitable;
3851 requiring the association to immediately resume
3852 contributing funds to its reserve once the local
3853 building official determines the building and its
3854 structures are habitable; providing that a
3855 condominium's structural integrity reserve study may
3856 recommend a temporary pause in reserve funding under
3857 certain circumstances; revising applicability;
3858 requiring an association to distribute copies of a
3859 structural integrity reserve study to unit owners or
3860 deliver a certain notice to them within a specified
3861 timeframe; specifying the manner of distribution or
3862 delivery; requiring the association to provide the
3863 division with a statement indicating specific
3864 information within a specified timeframe after
3865 receiving the structural integrity reserve study;
3866 revising the circumstances under which a director or
3867 an officer must be removed from office after being
3868 charged by information or indictment; prohibiting such
3869 officers and directors with pending criminal charges
3870 from accessing the official records of any
3871 association; providing an exception; providing
3872 criminal penalties for certain fraudulent voting
3873 activities relating to association elections;
3874 requiring any person charged to be removed from office



3875 and a vacancy be declared; amending s. 718.113, F.S.;

3876 providing applicability; authorizing, rather than

3877 requiring, certain hurricane protection

3878 specifications; specifying that certain actions are

3879 not material alterations or substantial additions;

3880 authorizing the boards of residential and mixed-use

3881 condominiums to install or require the unit owners to

3882 install hurricane protection; requiring a vote of the

3883 unit owners for the installation of hurricane

3884 protection; requiring that such vote be attested to in

3885 a certificate and recorded in certain public records;

3886 providing requirements for such certificate; providing

3887 that the validity or enforceability of a vote of the

3888 unit owners is not affected if the board fails to

3889 record a certificate or send a copy of the recorded

3890 certificate to the unit owners; providing that a vote

3891 of the unit owners is not required under certain

3892 circumstances; prohibiting installation of the same

3893 type of hurricane protection previously installed;

3894 providing exceptions; prohibiting the boards of

3895 residential and mixed-use condominiums from refusing

3896 to approve certain hurricane protections; authorizing

3897 the board to require owners to adhere to certain

3898 guidelines regarding the external appearance of a

3899 condominium; revising responsibility for the cost of

3900 removal or reinstallation of hurricane protection and

3901 certain exterior windows, doors, or apertures in

3902 certain circumstances; requiring the board to make a

3903 certain determination; providing that costs incurred



3904 by the association in connection with such removal or
3905 reinstallation completed by the association may not be
3906 charged to the unit owner; requiring reimbursement of
3907 the unit owner, or application of a credit toward
3908 future assessments, in certain circumstances;
3909 authorizing the association to collect charges if the
3910 association removes or installs hurricane protection
3911 and making such charges enforceable as an assessment;
3912 amending s. 718.115, F.S.; specifying when the cost of
3913 installation of hurricane protection is not a common
3914 expense; authorizing certain expenses to be
3915 enforceable as assessments; requiring that certain
3916 unit owners be excused from certain assessments or
3917 receive a credit for hurricane protection that has
3918 been installed; providing credit applicability under
3919 certain circumstances; providing for the amount of
3920 credit that a unit owner must receive; specifying that
3921 certain expenses are common expenses; amending s.
3922 718.121, F.S.; conforming a cross-reference; amending
3923 s. 718.1224, F.S.; revising legislative findings and
3924 intent to conform to changes made by the act; revising
3925 the definition of the term "governmental entity";
3926 prohibiting a condominium association from filing
3927 strategic lawsuits against public participation;
3928 prohibiting an association from taking certain action
3929 against a unit owner in response to specified conduct;
3930 prohibiting associations from expending association
3931 funds in support of certain actions against a unit
3932 owner; conforming provisions to changes made by the



3933 act; amending s. 718.128, F.S.; authorizing a
3934 condominium association to conduct elections and other
3935 unit owner votes through an online voting system if a
3936 unit owner consents, either electronically or in
3937 writing, to online voting; revising applicability;
3938 amending s. 718.202, F.S.; authorizing the director of
3939 the Division of Florida Condominiums, Timeshares, and
3940 Mobile Homes to accept certain assurances in lieu of a
3941 specified percentage of the sale price; authorizing a
3942 developer to deliver a surety bond or an irrevocable
3943 letter of credit in an amount equivalent to a certain
3944 percentage of the sale price; conforming provisions to
3945 changes made by the act; making technical changes;
3946 amending s. 718.301, F.S.; revising items that
3947 developers are required to deliver to an association
3948 upon relinquishing control of the association;
3949 amending s. 718.3027, F.S.; revising requirements
3950 regarding attendance at a board meeting in the event
3951 of a conflict of interest; modifying circumstances
3952 under which a contract may be voided; amending s.
3953 718.303, F.S.; requiring that a notice of nonpayment
3954 be provided to a unit owner by a specified time before
3955 an election; creating s. 718.407, F.S.; providing that
3956 a condominium may be created within a portion of a
3957 building or within a multiple parcel building;
3958 providing for the common elements of such condominium;
3959 providing requirements for the declaration of
3960 condominium and other recorded instruments;
3961 authorizing an association to inspect and copy certain



3962 books and records and to receive an annual budget;
3963 requiring that a specified statement be included in a
3964 contract for the sale of a unit of the condominium;
3965 providing that a multiple parcel building is not a
3966 subdivision of land if the land is not subdivided;
3967 amending s. 718.501, F.S.; revising circumstances
3968 under which the Division of Florida Condominiums,
3969 Timeshares, and Mobile Homes has jurisdiction to
3970 investigate and enforce certain matters; requiring the
3971 division to provide official records, without charge,
3972 to a unit owner denied access to such records;
3973 authorizing the division to issue citations and
3974 promulgate rules for such issuance; requiring the
3975 division to provide division-approved providers with
3976 the template certificate for issuance directly to the
3977 association; requiring the division to adopt rules
3978 related to the approval of educational curriculum
3979 providers; requiring the division to refer suspected
3980 criminal acts to the appropriate law enforcement
3981 authority; authorizing certain division officials to
3982 attend association meetings; authorizing the division
3983 to access the association's website to investigate
3984 complaints made regarding access to official records
3985 on the association's website and to develop rules for
3986 such access; specifying requirements for the annual
3987 certification; requiring an association to explain on
3988 the certification the reasons any certification
3989 requirements have not been met; requiring an
3990 association to complete the certifications within a



3991 specified timeframe; requiring the association to
3992 notify the division when the certification is
3993 completed; providing applicability; conforming a
3994 provision to changes made by the act; amending s.
3995 718.5011, F.S.; specifying that the secretary of the
3996 Department of Business and Professional Regulation,
3997 rather than the Governor, shall appoint the
3998 condominium ombudsman; amending ss. 718.503 and
3999 718.504, F.S.; requiring certain persons to provide
4000 specified disclosures to purchasers under certain
4001 circumstances; making technical changes; providing for
4002 retroactive applicability; amending s. 718.618, F.S.;
4003 conforming a provision to changes made by the act;
4004 amending s. 719.106, F.S.; requiring that a
4005 cooperative association's budget include reserve
4006 amounts for planned maintenance, rather than for
4007 deferred maintenance; providing an exception for
4008 certain associations to complete a structural
4009 integrity reserve study by a certain date; requiring
4010 an association to distribute copies of a structural
4011 integrity reserve study to unit owners or deliver a
4012 certain notice to them within a specified timeframe;
4013 specifying the manner of distribution or delivery;
4014 conforming provisions to changes made by the act;
4015 amending s. 719.129, F.S.; authorizing cooperative
4016 associations to conduct elections and other unit owner
4017 votes through an online voting system if a unit owner
4018 consents, either electronically or in writing, to
4019 online voting; revising applicability; amending s.



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4020 719.301, F.S.; revising items that developers are
4021 required to deliver to a cooperative association upon
4022 relinquishing control of association property;
4023 amending s. 719.618, F.S.; conforming a provision to
4024 changes made by the act; requiring the division to
4025 conduct a review of statutory requirements regarding
4026 posting of official records on a condominium
4027 association's website or application; requiring the
4028 division to submit its findings, including any
4029 recommendations, to the Governor and the Legislature
4030 by a specified date; providing for retroactive
4031 applicability; requiring the division to create a
4032 database on its website of the associations that have
4033 reported the completion of their structural integrity
4034 reserve study by a specified date; providing an
4035 appropriation; providing construction; requiring the
4036 Florida Building Commission to perform a study on
4037 standards to prevent water intrusion through the
4038 tracks of sliding glass doors; requiring the
4039 commission to provide a written report of such a study
4040 to the Governor and Legislature by a specified date;
4041 providing effective dates.