

**By** the Appropriations Committee on Agriculture, Environment, and General Government; the Committee on Regulated Industries; and Senators Bradley, Pizzo, and Osgood

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1                                   A bill to be entitled  
2       An act relating to community associations; amending s.  
3       468.4334, F.S.; requiring community associations or  
4       successor community association managers and  
5       management firms to return official records of an  
6       association within a specified period following  
7       termination of a contract; specifying the manner of  
8       delivery for the notice of termination; authorizing  
9       the manager or management firm to retain records for a  
10      specified purpose within a specified timeframe;  
11      relieving a manager or management firm from  
12      responsibility if the association fails to provide  
13      access to the records necessary to complete an ending  
14      financial statement or report; providing a rebuttable  
15      presumption regarding noncompliance; providing  
16      penalties for the failure to timely return official  
17      records; creating s. 468.4335, F.S.; requiring  
18      community association managers and management firms to  
19      provide a written disclosure of certain conflicts of  
20      interest to the association's board; providing a  
21      rebuttable presumption as to the existence of a  
22      conflict; requiring an association to solicit multiple  
23      competitive bids for goods or services under certain  
24      circumstances; providing requirements for an  
25      association to approve any contract or transaction  
26      deemed a conflict of interest; authorizing the  
27      cancellation of a management contract, subject to  
28      certain requirements; specifying liability and  
29      nonliability of the association upon cancellation of

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30 such a contract; authorizing an association to void  
31 certain contracts if certain conflicts were not  
32 disclosed in accordance with the act; defining the  
33 term "relative"; providing applicability; amending s.  
34 468.436, F.S.; revising the list of grounds for which  
35 the Department of Business and Professional Regulation  
36 may take disciplinary actions against community  
37 association managers or firms, to conform to changes  
38 made by the act; amending s. 553.8445, F.S.; providing  
39 that all residential dwellings must be required to be  
40 equipped with a certain reusable device designed for a  
41 specified purpose as a condition for the issuance of  
42 certain permits and completion of a certain  
43 inspection; providing applicability; requiring the  
44 Florida Building Commission to adopt certain rules;  
45 amending s. 553.899, F.S.; revising applicability;  
46 amending s. 718.103, F.S.; revising the definition of  
47 the term "alternative funding method" to conform to  
48 changes made by the act; defining the term "hurricane  
49 protection"; amending s. 718.104, F.S.; requiring that  
50 declarations specify the entity responsible for the  
51 installation, maintenance, repair, or replacement of  
52 hurricane protection; amending s. 718.111, F.S.;  
53 defining the term "kickback"; providing criminal  
54 penalties for any officer, director, or manager of an  
55 association who knowingly solicits, offers to accept,  
56 or accepts a kickback; requiring the Division of  
57 Florida Condominiums, Timeshares, and Mobile Homes to  
58 monitor compliance and issue fines and penalties for

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59 failure of an association to maintain the required  
60 insurance policy or fidelity bonding; revising the  
61 list of records that constitute the official records  
62 of an association; revising maintenance requirements  
63 for official records; revising requirements regarding  
64 requests to inspect or copy association records;  
65 requiring an association to provide a checklist in  
66 response to certain records requests; providing a  
67 rebuttable presumption regarding compliance; providing  
68 criminal penalties for certain violations regarding  
69 noncompliance with records requirements; defining the  
70 term "repeatedly"; requiring that copies of certain  
71 building permits be posted on an association's website  
72 or application; modifying the method of delivery of  
73 certain letters regarding association financial  
74 reports to unit owners; conforming a provision to  
75 changes made by the act; revising circumstances under  
76 which an association may prepare certain reports;  
77 revising applicable law for criminal penalties for  
78 persons who unlawfully use a debit card issued in the  
79 name of an association; defining the term "lawful  
80 obligation of the association"; revising the threshold  
81 for associations that must post certain documents on  
82 their websites or through an application; amending s.  
83 718.112, F.S.; requiring the boards of administration  
84 of associations consisting of more than a specified  
85 number of units to meet a minimum number of times each  
86 quarter; revising requirements regarding notice of  
87 such meetings; requiring a director of a board of an

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88 association to provide a written certification and  
89 complete an educational requirement upon election or  
90 appointment to the board; specifying requirements for  
91 the education curriculum; requiring the association to  
92 bear the costs of the required educational curriculum  
93 and certificate; providing transitional provisions;  
94 requiring that an association's budget include reserve  
95 amounts for planned maintenance, rather than for  
96 deferred maintenance; providing that, upon a  
97 determination by a specified local building official  
98 that an entire condominium building is uninhabitable  
99 due to a natural emergency, the board, upon the  
100 approval of a majority of its members, may pause  
101 contribution to reserves or reduce reserve funding for  
102 a specified period of time; authorizing an association  
103 to expend any reserve accounts held by the association  
104 to make the building and its structures habitable;  
105 requiring the association to immediately resume  
106 contributing funds to its reserve once the local  
107 building official determines the building and its  
108 structures are habitable; providing that a  
109 condominium's structural integrity reserve study may  
110 recommend a temporary pause in reserve funding under  
111 certain circumstances; revising applicability;  
112 requiring an association to distribute copies of a  
113 structural integrity reserve study to unit owners or  
114 deliver a certain notice to them within a specified  
115 timeframe; specifying the manner of distribution or  
116 delivery; revising the circumstances under which a

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117 director or an officer must be removed from office  
118 after being charged by information or indictment;  
119 prohibiting such officers and directors with pending  
120 criminal charges from accessing the official records  
121 of any association; providing an exception; providing  
122 criminal penalties for certain fraudulent voting  
123 activities relating to association elections;  
124 requiring any person charged to be removed from office  
125 and a vacancy be declared; amending s. 718.113, F.S.;  
126 providing applicability; authorizing, rather than  
127 requiring, certain hurricane protection  
128 specifications; specifying that certain actions are  
129 not material alterations or substantial additions;  
130 authorizing the boards of residential and mixed-use  
131 condominiums to install or require the unit owners to  
132 install hurricane protection; requiring a vote of the  
133 unit owners for the installation of hurricane  
134 protection; requiring that such vote be attested to in  
135 a certificate and recorded in certain public records;  
136 providing requirements for such certificate; providing  
137 that the validity or enforceability of a vote of the  
138 unit owners is not affected if the board fails to  
139 record a certificate or send a copy of the recorded  
140 certificate to the unit owners; providing that a vote  
141 of the unit owners is not required under certain  
142 circumstances; prohibiting installation of the same  
143 type of hurricane protection previously installed;  
144 providing exceptions; prohibiting the boards of  
145 residential and mixed-use condominiums from refusing

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146 to approve certain hurricane protections; authorizing  
147 the board to require owners to adhere to certain  
148 guidelines regarding the external appearance of a  
149 condominium; revising responsibility for the cost of  
150 removal or reinstallation of hurricane protection and  
151 certain exterior windows, doors, or apertures in  
152 certain circumstances; requiring the board to make a  
153 certain determination; providing that costs incurred  
154 by the association in connection with such removal or  
155 reinstallation completed by the association may not be  
156 charged to the unit owner; requiring reimbursement of  
157 the unit owner, or application of a credit toward  
158 future assessments, in certain circumstances;  
159 authorizing the association to collect charges if the  
160 association removes or installs hurricane protection  
161 and making such charges enforceable as an assessment;  
162 amending s. 718.115, F.S.; specifying when the cost of  
163 installation of hurricane protection is not a common  
164 expense; authorizing certain expenses to be  
165 enforceable as assessments; requiring that certain  
166 unit owners be excused from certain assessments or to  
167 receive a credit for hurricane protection that has  
168 been installed; providing credit applicability under  
169 certain circumstances; providing for the amount of  
170 credit that a unit owner must receive; specifying that  
171 certain expenses are common expenses; amending s.  
172 718.121, F.S.; conforming a cross-reference; amending  
173 s. 718.1224, F.S.; revising legislative findings and  
174 intent to conform to changes made by the act; revising

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175 the definition of the term "governmental entity";  
176 prohibiting a condominium association from filing  
177 strategic lawsuits against public participation;  
178 prohibiting an association from taking certain action  
179 against a unit owner in response to specified conduct;  
180 prohibiting associations from expending association  
181 funds in support of certain actions against a unit  
182 owner; conforming provisions to changes made by the  
183 act; amending s. 718.128, F.S.; authorizing a  
184 condominium association to conduct elections and other  
185 unit owner votes through an online voting system if a  
186 unit owner consents, either electronically or in  
187 writing, to online voting; revising applicability;  
188 amending s. 718.301, F.S.; revising items that  
189 developers are required to deliver to an association  
190 upon relinquishing control of the association;  
191 amending s. 718.3027, F.S.; revising requirements  
192 regarding attendance at a board meeting in the event  
193 of a conflict of interest; modifying circumstances  
194 under which a contract may be voided; amending s.  
195 718.303, F.S.; requiring that a notice of nonpayment  
196 be provided to a unit owner by a specified time before  
197 an election; amending s. 718.501, F.S.; revising  
198 circumstances under which the Division of Florida  
199 Condominiums, Timeshares, and Mobile Homes has  
200 jurisdiction to investigate and enforce certain  
201 matters; requiring the division to provide official  
202 records, without charge, to a unit owner denied access  
203 to such records; requiring the division to adopt rules

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204 related to the approval of educational curriculum  
205 providers; requiring the division to refer suspected  
206 criminal acts to the appropriate law enforcement  
207 authority; authorizing certain division officials to  
208 attend association meetings; requiring that an  
209 association's annual fee be filed concurrently with  
210 the annual certification; specifying requirements for  
211 the annual certification; requiring an association to  
212 explain on the certification the reasons any  
213 certification requirements have not been met;  
214 requiring an association to complete the  
215 certifications within a specified timeframe; requiring  
216 the association to notify the division when the  
217 certification is completed; conforming a provision to  
218 changes made by the act; amending s. 718.5011, F.S.;  
219 specifying that the secretary of the Department of  
220 Business and Professional Regulation, rather than the  
221 Governor, shall appoint the condominium ombudsman;  
222 amending s. 718.618, F.S.; conforming a provision to  
223 changes made by the act; amending s. 719.106, F.S.;  
224 requiring that a cooperative association's budget  
225 include reserve amounts for planned maintenance,  
226 rather than for deferred maintenance; providing an  
227 exception for certain associations to complete a  
228 structural integrity reserve study by a certain date;  
229 requiring an association to distribute copies of a  
230 structural integrity reserve study to unit owners or  
231 deliver a certain notice to them within a specified  
232 timeframe; specifying the manner of distribution or



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233 delivery; conforming provisions to changes made by the  
234 act; amending s. 719.129, F.S.; authorizing  
235 cooperative associations to conduct elections and  
236 other unit owner votes through an online voting system  
237 if a unit owner consents, either electronically or in  
238 writing, to online voting; revising applicability;  
239 amending s. 719.301, F.S.; revising items that  
240 developers are required to deliver to a cooperative  
241 association upon relinquishing control of association  
242 property; amending s. 719.618, F.S.; conforming a  
243 provision to changes made by the act; requiring the  
244 division to conduct a review of statutory requirements  
245 regarding posting of official records on a condominium  
246 association's website or application; requiring the  
247 division to submit its findings, including any  
248 recommendations, to the Governor and the Legislature  
249 by a specified date; providing effective dates.

250

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

252

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

255 468.4334 Professional practice standards; liability.-

256 (3) A community association manager or a community  
257 association management firm shall return all community  
258 association official records within its possession to the  
259 community association or successor community association manager  
260 or community association management firm within 20 business days  
261 after termination of a contractual agreement to provide

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262 community association management services to the community  
263 association or receipt of a written request for return of the  
264 official records, whichever occurs first. A notice of  
265 termination of a contractual agreement to provide community  
266 association management services must be sent by certified mail,  
267 return receipt requested, or in the manner required under such  
268 contractual agreement. The community association manager or  
269 community association management firm may retain, for up to 20  
270 business days, those records necessary to complete an ending  
271 financial statement or report. If an association fails to  
272 provide access to or retention of accounting records to prepare  
273 an ending financial statement or report, the community  
274 association manager or community association management firm is  
275 relieved from any further responsibility or liability relating  
276 to the preparation of such ending financial statement or report.  
277 Failure of a community association manager or a community  
278 association management firm to timely return all of the official  
279 records within its possession to the community association  
280 creates a rebuttable presumption that the community association  
281 manager or a community association management firm willfully  
282 failed to comply with this subsection. A community association  
283 manager or a community association management firm that fails to  
284 timely return community association records is subject to  
285 suspension of its license under s. 468.436, and a civil penalty  
286 of \$1,000 per day for up to 10 business days, assessed beginning  
287 on the 21st business day after termination of a contractual  
288 agreement to provide community association management services  
289 to the community association or receipt of a written request  
290 from the association for return of the records, whichever occurs

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291 first.

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

294 468.4335 Conflicts of interest.-

295 (1) A community association manager or a community  
296 association management firm, including directors, officers, and  
297 persons with a financial interest in a community association  
298 management firm, or a relative of such persons, must provide a  
299 written disclosure to the board of a community association of  
300 any activity that may reasonably be construed to be a conflict  
301 of interest. A rebuttable presumption of a conflict of interest  
302 exists if any of the following occurs without prior notice:

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

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

318 (2) If the association receives and considers a bid to  
319 provide a good or service, other than community association

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320 management services, from a community association manager or a  
321 community association management firm, including directors,  
322 officers, and persons with a financial interest in a community  
323 association management firm, or a relative of such persons, the  
324 association must also solicit multiple competitive bids from  
325 other third-party providers of such good or service.

326 (3) If a community association manager or a community  
327 association management firm, including directors, officers, and  
328 persons with a financial interest in a community association  
329 management firm, or a relative of such persons, proposes to  
330 engage in an activity that is a conflict of interest as  
331 described in subsection (1), the proposed activity must be  
332 listed on, and all contracts and transactional documents related  
333 to the proposed activity must be attached to, the meeting agenda  
334 of the next board of administration meeting. The disclosures of  
335 a possible conflict of interest must be entered into the written  
336 minutes of the meeting. Approval of the contract or other  
337 transaction requires an affirmative vote of two-thirds of all  
338 directors present. At the next regular or special meeting of the  
339 members, the existence of the contract or other transaction must  
340 be disclosed to the members.

341 (4) If the board finds that a community association manager  
342 or a community association management firm, including directors,  
343 officers, and persons with a financial interest in a community  
344 association management firm, or a relative of such persons, has  
345 violated this section, the association may cancel its community  
346 association management contract with the community association  
347 manager or the community association management firm. If the  
348 contract is canceled, the association is liable only for the

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349 reasonable value of the management services provided up to the  
350 time of cancellation and is not liable for any termination fees,  
351 liquidated damages, or other form of penalty for such  
352 cancellation.

353 (5) If an association enters into a contract, other than a  
354 contract for community association management services, with a  
355 community association manager or a community association  
356 management firm, including directors, officers, and persons with  
357 a financial interest in a community association management firm,  
358 or a relative of such persons, which is a party to or has an  
359 interest in an activity that is a possible conflict of interest  
360 as described in subsection (1) and that activity has not been  
361 properly disclosed as a conflict of interest or potential  
362 conflict of interest as required by this section, the contract  
363 is voidable and terminates upon the association filing a written  
364 notice terminating the contract.

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

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

372 Section 3. Paragraph (b) of subsection (2) of section  
373 468.436, Florida Statutes, is amended, and subsection (4) of  
374 that section is reenacted, to read:

375 468.436 Disciplinary proceedings.—

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

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- 378 (b)1. Violation of ~~any provision of~~ this part.
- 379 2. Violation of any lawful order or rule rendered or  
380 adopted by the department or the council.
- 381 3. Being convicted of or pleading nolo contendere to a  
382 felony in any court in the United States.
- 383 4. Obtaining a license or certification or any other order,  
384 ruling, or authorization by means of fraud, misrepresentation,  
385 or concealment of material facts.
- 386 5. Committing acts of gross misconduct or gross negligence  
387 in connection with the profession.
- 388 6. Contracting, on behalf of an association, with any  
389 entity in which the licensee has a financial interest that is  
390 not disclosed.
- 391 7. Failing to disclose any conflict of interest as required  
392 by s. 468.4335.
- 393 8. Violating ~~any provision of~~ chapter 718, chapter 719, or  
394 chapter 720 during the course of performing community  
395 association management services pursuant to a contract with a  
396 community association as defined in s. 468.431(1).
- 397 (4) When the department finds any community association  
398 manager or firm guilty of any of the grounds set forth in  
399 subsection (2), it may enter an order imposing one or more of  
400 the following penalties:
- 401 (a) Denial of an application for licensure.
- 402 (b) Revocation or suspension of a license.
- 403 (c) Imposition of an administrative fine not to exceed  
404 \$5,000 for each count or separate offense.
- 405 (d) Issuance of a reprimand.
- 406 (e) Placement of the community association manager on

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407 probation for a period of time and subject to such conditions as  
408 the department specifies.

409 (f) Restriction of the authorized scope of practice by the  
410 community association manager.

411 Section 4. Section 553.8445, Florida Statutes, is created  
412 to read:

413 553.8445 Prevention of water intrusion through the tracks  
414 of sliding glass doors.-

415 (1) All residential dwellings must be required to be  
416 equipped with a reusable device which is attachable to the  
417 sliding glass door track and is designed to reduce water  
418 intrusion through the tracks of the sliding glass doors by not  
419 less than 90 percent with wind not less than 100 miles per hour  
420 as a condition for:

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

424 (b) The issuance of a building permit for the installation  
425 or repair of an exterior sliding glass door in a residential  
426 dwelling.

427 (c) The completion of a milestone inspection required by s.  
428 553.899, or a similar local requirement, for any dwelling with  
429 an exterior sliding glass door.

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

433 (3) By July 1, 2025, the commission shall adopt the  
434 requirements of this section into the Florida Building Code  
435 pursuant to s. 553.73(8).

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

438 553.899 Mandatory structural inspections for condominium  
439 and cooperative buildings.—

440 (4) The milestone inspection report must be arranged by a  
441 condominium or cooperative association and any owner of any  
442 portion of the building which is not subject to the condominium  
443 or cooperative form of ownership. The condominium association or  
444 cooperative association and any owner of any portion of the  
445 building which is not subject to the condominium or cooperative  
446 form of ownership are each responsible for ensuring compliance  
447 with the requirements of this section. The condominium  
448 association or cooperative association is responsible for all  
449 costs associated with the milestone inspection attributable to  
450 the portions of a building which the association is responsible  
451 to maintain under the governing documents of the association.  
452 This section does not apply to a single-family, two-family, ~~or~~  
453 three-family, or four-family dwelling with three or fewer  
454 habitable stories above ground.

455 Section 6. Present subsections (19) through (32) of section  
456 718.103, Florida Statutes, are redesignated as subsections (20)  
457 through (33), respectively, a new subsection (19) is added to  
458 that section, and subsection (1) of that section is amended, to  
459 read:

460 718.103 Definitions.—As used in this chapter, the term:

461 (1) "Alternative funding method" means a method approved by  
462 the division for funding the capital expenditures and planned  
463 ~~deferred~~ maintenance obligations for a multicondominium  
464 association operating at least 25 condominiums which may



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465 reasonably be expected to fully satisfy the association's  
466 reserve funding obligations by the allocation of funds in the  
467 annual operating budget.

468 (19) "Hurricane protection" means hurricane shutters,  
469 impact glass, code-compliant windows or doors, and other code-  
470 compliant hurricane protection products used to preserve and  
471 protect the condominium property or association property.

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

474 718.104 Creation of condominiums; contents of declaration.-  
475 Every condominium created in this state shall be created  
476 pursuant to this chapter.

477 (4) The declaration must contain or provide for the  
478 following matters:

479 (p) For both residential condominiums and mixed-use  
480 condominiums, a statement that specifies whether the unit owner  
481 or the association is responsible for the installation,  
482 maintenance, repair, or replacement of hurricane protection that  
483 is for the preservation and protection of the condominium  
484 property and association property.

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

488 718.111 The association.-

489 (1) CORPORATE ENTITY.-

490 (a) The operation of the condominium shall be by the  
491 association, which must be a Florida corporation for profit or a  
492 Florida corporation not for profit. However, any association  
493 which was in existence on January 1, 1977, need not be

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494 incorporated. The owners of units shall be shareholders or  
495 members of the association. The officers and directors of the  
496 association have a fiduciary relationship to the unit owners. It  
497 is the intent of the Legislature that nothing in this paragraph  
498 shall be construed as providing for or removing a requirement of  
499 a fiduciary relationship between any manager employed by the  
500 association and the unit owners. An officer, director, or  
501 manager may not solicit, offer to accept, or accept a kickback.  
502 As used in this paragraph, the term "kickback" means any thing  
503 or service of value ~~or kickback~~ for which consideration has not  
504 been provided for an officer's, a director's, or a manager's ~~his~~  
505 ~~or her~~ own benefit or that of his or her immediate family, from  
506 any person providing or proposing to provide goods or services  
507 to the association. Any such officer, director, or manager who  
508 knowingly so solicits, offers to accept, or accepts a any thing  
509 ~~or service of value or kickback~~ commits a felony of the third  
510 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
511 775.084, and is subject to a civil penalty pursuant to s.  
512 718.501(1)(d) ~~and, if applicable, a criminal penalty as provided~~  
513 ~~in paragraph (d).~~ However, this paragraph does not prohibit an  
514 officer, director, or manager from accepting services or items  
515 received in connection with trade fairs or education programs.  
516 An association may operate more than one condominium.

517 (11) INSURANCE.—In order to protect the safety, health, and  
518 welfare of the people of the State of Florida and to ensure  
519 consistency in the provision of insurance coverage to  
520 condominiums and their unit owners, this subsection applies to  
521 every residential condominium in the state, regardless of the  
522 date of its declaration of condominium. It is the intent of the

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523 Legislature to encourage lower or stable insurance premiums for  
524 associations described in this subsection.

525 (h) The association shall maintain insurance or fidelity  
526 bonding of all persons who control or disburse funds of the  
527 association. The insurance policy or fidelity bond must cover  
528 the maximum funds that will be in the custody of the association  
529 or its management agent at any one time. Upon receipt of a  
530 complaint, the division shall monitor compliance with this  
531 paragraph and may issue fines and penalties established by the  
532 division for failure of an association to maintain the required  
533 insurance policy or fidelity bond. As used in this paragraph,  
534 the term "persons who control or disburse funds of the  
535 association" includes, but is not limited to, those individuals  
536 authorized to sign checks on behalf of the association, and the  
537 president, secretary, and treasurer of the association. The  
538 association shall bear the cost of any such bonding.

539 (12) OFFICIAL RECORDS.—

540 (a) From the inception of the association, the association  
541 shall maintain each of the following items, if applicable, which  
542 constitutes the official records of the association:

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

545 2. A photocopy of the recorded declaration of condominium  
546 of each condominium operated by the association and each  
547 amendment to each declaration.

548 3. A photocopy of the recorded bylaws of the association  
549 and each amendment to the bylaws.

550 4. A certified copy of the articles of incorporation of the  
551 association, or other documents creating the association, and

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552 each amendment thereto.

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

554 6. A book or books that contain the minutes of all meetings  
555 of the association, the board of administration, and the unit  
556 owners.

557 7. A current roster of all unit owners and their mailing  
558 addresses, unit identifications, voting certifications, and, if  
559 known, telephone numbers. The association shall also maintain  
560 the e-mail addresses and facsimile numbers of unit owners  
561 consenting to receive notice by electronic transmission. The e-  
562 mail addresses and facsimile numbers are not accessible to unit  
563 owners if consent to receive notice by electronic transmission  
564 is not provided in accordance with sub-subparagraph (c)5.e.  
565 ~~(e)3.e.~~ However, the association is not liable for an  
566 inadvertent disclosure of the e-mail address or facsimile number  
567 for receiving electronic transmission of notices.

568 8. All current insurance policies of the association and  
569 condominiums operated by the association.

570 9. A current copy of any management agreement, lease, or  
571 other contract to which the association is a party or under  
572 which the association or the unit owners have an obligation or  
573 responsibility.

574 10. Bills of sale or transfer for all property owned by the  
575 association.

576 11. Accounting records for the association and separate  
577 accounting records for each condominium that the association  
578 operates. Any person who knowingly or intentionally defaces or  
579 destroys such records, or who knowingly or intentionally fails  
580 to create or maintain such records, with the intent of causing

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581 harm to the association or one or more of its members, is  
582 personally subject to a civil penalty pursuant to s.  
583 718.501(1)(d). The accounting records must include, but are not  
584 limited to:

585 a. Accurate, itemized, and detailed records of all receipts  
586 and expenditures.

587 b. All invoices, transaction receipts, or deposit slips  
588 that substantiate any receipt or expenditure of funds by the  
589 association.

590 c. A current account and a monthly, bimonthly, or quarterly  
591 statement of the account for each unit designating the name of  
592 the unit owner, the due date and amount of each assessment, the  
593 amount paid on the account, and the balance due.

594 ~~d.e.~~ All audits, reviews, accounting statements, structural  
595 integrity reserve studies, and financial reports of the  
596 association or condominium. Structural integrity reserve studies  
597 must be maintained for at least 15 years after the study is  
598 completed.

599 ~~e.d.~~ All contracts for work to be performed. Bids for work  
600 to be performed are also considered official records and must be  
601 maintained by the association for at least 1 year after receipt  
602 of the bid.

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

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

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

612 15. A copy of the inspection reports described in ss.  
613 553.899 and 718.301(4) (p) and any other inspection report  
614 relating to a structural or life safety inspection of  
615 condominium property. Such record must be maintained by the  
616 association for 15 years after receipt of the report.

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

618 17. All affirmative acknowledgments made pursuant to s.  
619 718.121(4) (c).

620 18. A copy of all building permits.

621 19. All other written records of the association not  
622 specifically included in the foregoing which are related to the  
623 operation of the association.

624 (b) The official records specified in subparagraphs (a)1.-  
625 6. must be permanently maintained from the inception of the  
626 association. Bids for work to be performed or for materials,  
627 equipment, or services must be maintained for at least 1 year  
628 after receipt of the bid. All other official records must be  
629 maintained within the state for at least 7 years, unless  
630 otherwise provided by general law. The official records must be  
631 maintained in a manner that facilitates inspection of the  
632 records by a unit owner. In the event that the records are lost,  
633 destroyed, or otherwise unavailable, the obligation to maintain  
634 official records includes a good faith obligation to recover  
635 those records as may be reasonably possible. The records of the  
636 association shall be made available to a unit owner within 45  
637 miles of the condominium property or within the county in which  
638 the condominium property is located within 10 working days after

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639 receipt of a written request by the board or its designee.  
640 However, such distance requirement does not apply to an  
641 association governing a timeshare condominium. This paragraph  
642 and paragraph (c) may be complied with by having a copy of the  
643 official records of the association available for inspection or  
644 copying on the condominium property or association property, or  
645 the association may offer the option of making the records  
646 available to a unit owner electronically via the Internet as  
647 provided under paragraph (g) or by allowing the records to be  
648 viewed in electronic format on a computer screen and printed  
649 upon request. The association is not responsible for the use or  
650 misuse of the information provided to an association member or  
651 his or her authorized representative in compliance with this  
652 chapter unless the association has an affirmative duty not to  
653 disclose such information under this chapter.

654 (c)1.a. The official records of the association are open to  
655 inspection by any association member and any person authorized  
656 by an association member as a representative of such member at  
657 all reasonable times. The right to inspect the records includes  
658 the right to make or obtain copies, at the reasonable expense,  
659 if any, of the member and of the person authorized by the  
660 association member as a representative of such member. A renter  
661 of a unit has a right to inspect and copy only the declaration  
662 of condominium, the association's bylaws and rules, and the  
663 inspection reports described in ss. 553.899 and 718.301(4)(p).  
664 The association may adopt reasonable rules regarding the  
665 frequency, time, location, notice, and manner of record  
666 inspections and copying but may not require a member to  
667 demonstrate any purpose or state any reason for the inspection.

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668 The failure of an association to provide the records within 10  
669 working days after receipt of a written request creates a  
670 rebuttable presumption that the association willfully failed to  
671 comply with this paragraph. A unit owner who is denied access to  
672 official records is entitled to the actual damages or minimum  
673 damages for the association's willful failure to comply. Minimum  
674 damages are \$50 per calendar day for up to 10 days, beginning on  
675 the 11th working day after receipt of the written request. The  
676 failure to permit inspection entitles any person prevailing in  
677 an enforcement action to recover reasonable attorney fees from  
678 the person in control of the records who, directly or  
679 indirectly, knowingly denied access to the records. If the  
680 requested records are posted on an association's website, or are  
681 available for download through an application on a mobile  
682 device, the association may fulfill its obligations as provided  
683 under this paragraph by directing all persons authorized to  
684 request access to official records pursuant to this paragraph to  
685 the website or mobile device application.

686 b. In response to a written request to inspect records, the  
687 association must simultaneously provide a checklist to the  
688 requestor of all records made available for inspection and  
689 copying. The checklist must also identify any of the  
690 association's official records that were not made available to  
691 the requestor. An association must maintain a checklist provided  
692 under this sub-subparagraph for 7 years. An association  
693 delivering a checklist pursuant to this sub-subparagraph creates  
694 a rebuttable presumption that the association has complied with  
695 this paragraph.

696 2. Any director or member of the board or association or a



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697 community association manager who knowingly, willfully, and  
698 repeatedly violates subparagraph 1. with the intent of causing  
699 harm to the association or one or more of its members commits a  
700 misdemeanor of the second degree, punishable as provided in s.  
701 775.082 or s. 775.083. For purposes of this subparagraph, the  
702 term "repeatedly" means two or more violations within a 12-month  
703 period.

704 ~~3.2.~~ Any person who knowingly or intentionally defaces or  
705 destroys accounting records that are required by this chapter to  
706 be maintained during the period for which such records are  
707 required to be maintained, or who knowingly or intentionally  
708 fails to create or maintain accounting records that are required  
709 to be created or maintained, with the intent of causing harm to  
710 the association or one or more of its members, commits a  
711 misdemeanor of the first degree, punishable as provided in s.  
712 775.082 or s. 775.083, and is personally subject to a civil  
713 penalty pursuant to s. 718.501(1) (d).

714 4. Any person who willfully and knowingly refuses to  
715 release or otherwise produce association records with the intent  
716 to avoid or escape detection, arrest, trial, or punishment for  
717 the commission of a crime, or to assist another person with such  
718 avoidance or escape, commits a felony of the third degree,  
719 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

720 ~~5.3.~~ The association shall maintain an adequate number of  
721 copies of the declaration, articles of incorporation, bylaws,  
722 and rules, and all amendments to each of the foregoing, as well  
723 as the question and answer sheet as described in s. 718.504 and  
724 year-end financial information required under this section, on  
725 the condominium property to ensure their availability to unit

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726 owners and prospective purchasers, and may charge its actual  
727 costs for preparing and furnishing these documents to those  
728 requesting the documents. An association shall allow a member or  
729 his or her authorized representative to use a portable device,  
730 including a smartphone, tablet, portable scanner, or any other  
731 technology capable of scanning or taking photographs, to make an  
732 electronic copy of the official records in lieu of the  
733 association's providing the member or his or her authorized  
734 representative with a copy of such records. The association may  
735 not charge a member or his or her authorized representative for  
736 the use of a portable device. Notwithstanding this paragraph,  
737 the following records are not accessible to unit owners:

738       a. Any record protected by the lawyer-client privilege as  
739 described in s. 90.502 and any record protected by the work-  
740 product privilege, including a record prepared by an association  
741 attorney or prepared at the attorney's express direction, which  
742 reflects a mental impression, conclusion, litigation strategy,  
743 or legal theory of the attorney or the association, and which  
744 was prepared exclusively for civil or criminal litigation or for  
745 adversarial administrative proceedings, or which was prepared in  
746 anticipation of such litigation or proceedings until the  
747 conclusion of the litigation or proceedings.

748       b. Information obtained by an association in connection  
749 with the approval of the lease, sale, or other transfer of a  
750 unit.

751       c. Personnel records of association or management company  
752 employees, including, but not limited to, disciplinary, payroll,  
753 health, and insurance records. For purposes of this sub-  
754 subparagraph, the term "personnel records" does not include

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755 written employment agreements with an association employee or  
756 management company, or budgetary or financial records that  
757 indicate the compensation paid to an association employee.

758 d. Medical records of unit owners.

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

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

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

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

786 h. All affirmative acknowledgments made pursuant to s.  
787 718.121(4)(c).

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

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

802 2. An association and its authorized agent are not liable  
803 for providing such information in good faith pursuant to a  
804 written request if the person providing the information includes  
805 a written statement in substantially the following form: "The  
806 responses herein are made in good faith and to the best of my  
807 ability as to their accuracy."

808 (f) An outgoing board or committee member must relinquish  
809 all official records and property of the association in his or  
810 her possession or under his or her control to the incoming board  
811 within 5 days after the election. The division shall impose a  
812 civil penalty as set forth in s. 718.501(1)(d)6. against an

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813 outgoing board or committee member who willfully and knowingly  
814 fails to relinquish such records and property.

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

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

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

824 (II) A website, application, or web portal operated by a  
825 third-party provider with whom the association owns, leases,  
826 rents, or otherwise obtains the right to operate a web page,  
827 subpage, web portal, collection of subpages or web portals, or  
828 an application which is dedicated to the association's  
829 activities and on which required notices, records, and documents  
830 may be posted or made available by the association.

831 b. The association's website or application must be  
832 accessible through the Internet and must contain a subpage, web  
833 portal, or other protected electronic location that is  
834 inaccessible to the general public and accessible only to unit  
835 owners and employees of the association.

836 c. Upon a unit owner's written request, the association  
837 must provide the unit owner with a username and password and  
838 access to the protected sections of the association's website or  
839 application which contain any notices, records, or documents  
840 that must be electronically provided.

841 2. A current copy of the following documents must be posted

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

843 a. The recorded declaration of condominium of each  
844 condominium operated by the association and each amendment to  
845 each declaration.

846 b. The recorded bylaws of the association and each  
847 amendment to the bylaws.

848 c. The articles of incorporation of the association, or  
849 other documents creating the association, and each amendment to  
850 the articles of incorporation or other documents. The copy  
851 posted pursuant to this sub-subparagraph must be a copy of the  
852 articles of incorporation filed with the Department of State.

853 d. The rules of the association.

854 e. A list of all executory contracts or documents to which  
855 the association is a party or under which the association or the  
856 unit owners have an obligation or responsibility and, after  
857 bidding for the related materials, equipment, or services has  
858 closed, a list of bids received by the association within the  
859 past year. Summaries of bids for materials, equipment, or  
860 services which exceed \$500 must be maintained on the website or  
861 application for 1 year. In lieu of summaries, complete copies of  
862 the bids may be posted.

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

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

868 h. The certification of each director required by s.  
869 718.112(2)(d)4.b.

870 i. All contracts or transactions between the association

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871 and any director, officer, corporation, firm, or association  
872 that is not an affiliated condominium association or any other  
873 entity in which an association director is also a director or  
874 officer and financially interested.

875 j. Any contract or document regarding a conflict of  
876 interest or possible conflict of interest as provided in ss.  
877 468.4335, 468.436(2)(b)6., and 718.3027(3).

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

889 l. Notice of any board meeting, the agenda, and any other  
890 document required for the meeting as required by s.  
891 718.112(2)(c), which must be posted no later than the date  
892 required for notice under s. 718.112(2)(c).

893 m. The inspection reports described in ss. 553.899 and  
894 718.301(4)(p) and any other inspection report relating to a  
895 structural or life safety inspection of condominium property.

896 n. The association's most recent structural integrity  
897 reserve study, if applicable.

898 o. Copies of all building permits issued for ongoing or  
899 planned construction.

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900           3. The association shall ensure that the information and  
901 records described in paragraph (c), which are not allowed to be  
902 accessible to unit owners, are not posted on the association's  
903 website or application. If protected information or information  
904 restricted from being accessible to unit owners is included in  
905 documents that are required to be posted on the association's  
906 website or application, the association shall ensure the  
907 information is redacted before posting the documents.  
908 Notwithstanding the foregoing, the association or its agent is  
909 not liable for disclosing information that is protected or  
910 restricted under this paragraph unless such disclosure was made  
911 with a knowing or intentional disregard of the protected or  
912 restricted nature of such information.

913           4. The failure of the association to post information  
914 required under subparagraph 2. is not in and of itself  
915 sufficient to invalidate any action or decision of the  
916 association's board or its committees.

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



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

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

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

956 2. An association with total annual revenues of at least  
957 \$300,000, but less than \$500,000, shall prepare reviewed

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958 financial statements.

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

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

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

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

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

981 2. Reviewed or audited financial statements, if the  
982 association is required to prepare compiled financial  
983 statements; or

984 3. Audited financial statements if the association is  
985 required to prepare reviewed financial statements.

986 (d) If approved by a majority of the voting interests

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987 present at a properly called meeting of the association, an  
988 association may prepare:

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

991 2. A report of cash receipts and expenditures or a compiled  
992 financial statement in lieu of a reviewed or audited financial  
993 statement; or

994 3. A report of cash receipts and expenditures, a compiled  
995 financial statement, or a reviewed financial statement in lieu  
996 of an audited financial statement.

997  
998 Such meeting and approval must occur before the end of the  
999 fiscal year and is effective only for the fiscal year in which  
1000 the vote is taken. An association may not prepare a financial  
1001 report pursuant to this paragraph for consecutive fiscal years,  
1002 ~~except that the approval may also be effective for the following~~  
1003 ~~fiscal year.~~ If the developer has not turned over control of the  
1004 association, all unit owners, including the developer, may vote  
1005 on issues related to the preparation of the association's  
1006 financial reports, from the date of incorporation of the  
1007 association through the end of the second fiscal year after the  
1008 fiscal year in which the certificate of a surveyor and mapper is  
1009 recorded pursuant to s. 718.104(4)(e) or an instrument that  
1010 transfers title to a unit in the condominium which is not  
1011 accompanied by a recorded assignment of developer rights in  
1012 favor of the grantee of such unit is recorded, whichever occurs  
1013 first. Thereafter, all unit owners except the developer may vote  
1014 on such issues until control is turned over to the association  
1015 by the developer. Any audit or review prepared under this

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1016 section shall be paid for by the developer if done before  
1017 turnover of control of the association.

1018 (e) A unit owner may provide written notice to the division  
1019 of the association's failure to mail or hand deliver him or her  
1020 a copy of the most recent financial report within 5 business  
1021 days after he or she submitted a written request to the  
1022 association for a copy of such report. If the division  
1023 determines that the association failed to mail or hand deliver a  
1024 copy of the most recent financial report to the unit owner, the  
1025 division shall provide written notice to the association that  
1026 the association must mail or hand deliver a copy of the most  
1027 recent financial report to the unit owner and the division  
1028 within 5 business days after it receives such notice from the  
1029 division. An association that fails to comply with the  
1030 division's request may not waive the financial reporting  
1031 requirement provided in paragraph (d) for the fiscal year in  
1032 which the unit owner's request was made and the following fiscal  
1033 year. A financial report received by the division pursuant to  
1034 this paragraph shall be maintained, and the division shall  
1035 provide a copy of such report to an association member upon his  
1036 or her request.

1037 (15) DEBIT CARDS.—

1038 (a) An association and its officers, directors, employees,  
1039 and agents may not use a debit card issued in the name of the  
1040 association, or billed directly to the association, for the  
1041 payment of any association expense.

1042 (b) A person who uses ~~Use of~~ a debit card issued in the  
1043 name of the association, or billed directly to the association,  
1044 for any expense that is not a lawful obligation of the

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1045 association commits theft under s. 812.014. For the purposes of  
1046 this paragraph, the term "lawful obligation of the association"  
1047 means an obligation that has been properly preapproved by the  
1048 board and is reflected in the meeting minutes or the written  
1049 budget ~~may be prosecuted as credit card fraud pursuant to s.~~  
1050 ~~817.61.~~

1051 Section 9. Effective January 1, 2026, paragraph (g) of  
1052 subsection (12) of section 718.111, Florida Statutes, as amended  
1053 by this act, is amended to read:

1054 718.111 The association.—

1055 (12) OFFICIAL RECORDS.—

1056 (g)1. ~~By January 1, 2019,~~ An association managing a  
1057 condominium with 25 ~~150~~ or more units which does not contain  
1058 timeshare units shall post digital copies of the documents  
1059 specified in subparagraph 2. on its website or make such  
1060 documents available through an application that can be  
1061 downloaded on a mobile device.

1062 a. The association's website or application must be:

1063 (I) An independent website, application, or web portal  
1064 wholly owned and operated by the association; or

1065 (II) A website, application, or web portal operated by a  
1066 third-party provider with whom the association owns, leases,  
1067 rents, or otherwise obtains the right to operate a web page,  
1068 subpage, web portal, collection of subpages or web portals, or  
1069 an application which is dedicated to the association's  
1070 activities and on which required notices, records, and documents  
1071 may be posted or made available by the association.

1072 b. The association's website or application must be  
1073 accessible through the Internet and must contain a subpage, web

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1074 portal, or other protected electronic location that is  
1075 inaccessible to the general public and accessible only to unit  
1076 owners and employees of the association.

1077 c. Upon a unit owner's written request, the association  
1078 must provide the unit owner with a username and password and  
1079 access to the protected sections of the association's website or  
1080 application which contain any notices, records, or documents  
1081 that must be electronically provided.

1082 2. A current copy of the following documents must be posted  
1083 in digital format on the association's website or application:

1084 a. The recorded declaration of condominium of each  
1085 condominium operated by the association and each amendment to  
1086 each declaration.

1087 b. The recorded bylaws of the association and each  
1088 amendment to the bylaws.

1089 c. The articles of incorporation of the association, or  
1090 other documents creating the association, and each amendment to  
1091 the articles of incorporation or other documents. The copy  
1092 posted pursuant to this sub-subparagraph must be a copy of the  
1093 articles of incorporation filed with the Department of State.

1094 d. The rules of the association.

1095 e. A list of all executory contracts or documents to which  
1096 the association is a party or under which the association or the  
1097 unit owners have an obligation or responsibility and, after  
1098 bidding for the related materials, equipment, or services has  
1099 closed, a list of bids received by the association within the  
1100 past year. Summaries of bids for materials, equipment, or  
1101 services which exceed \$500 must be maintained on the website or  
1102 application for 1 year. In lieu of summaries, complete copies of

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1103 the bids may be posted.

1104 f. The annual budget required by s. 718.112(2)(f) and any  
1105 proposed budget to be considered at the annual meeting.

1106 g. The financial report required by subsection (13) and any  
1107 monthly income or expense statement to be considered at a  
1108 meeting.

1109 h. The certification of each director required by s.  
1110 718.112(2)(d)4.b.

1111 i. All contracts or transactions between the association  
1112 and any director, officer, corporation, firm, or association  
1113 that is not an affiliated condominium association or any other  
1114 entity in which an association director is also a director or  
1115 officer and financially interested.

1116 j. Any contract or document regarding a conflict of  
1117 interest or possible conflict of interest as provided in ss.  
1118 468.4335, 468.436(2)(b)6., and 718.3027(3).

1119 k. The notice of any unit owner meeting and the agenda for  
1120 the meeting, as required by s. 718.112(2)(d)3., no later than 14  
1121 days before the meeting. The notice must be posted in plain view  
1122 on the front page of the website or application, or on a  
1123 separate subpage of the website or application labeled "Notices"  
1124 which is conspicuously visible and linked from the front page.  
1125 The association must also post on its website or application any  
1126 document to be considered and voted on by the owners during the  
1127 meeting or any document listed on the agenda at least 7 days  
1128 before the meeting at which the document or the information  
1129 within the document will be considered.

1130 l. Notice of any board meeting, the agenda, and any other  
1131 document required for the meeting as required by s.

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1132 718.112(2)(c), which must be posted no later than the date  
1133 required for notice under s. 718.112(2)(c).

1134 m. The inspection reports described in ss. 553.899 and  
1135 718.301(4)(p) and any other inspection report relating to a  
1136 structural or life safety inspection of condominium property.

1137 n. The association's most recent structural integrity  
1138 reserve study, if applicable.

1139 o. Copies of all building permits issued for ongoing or  
1140 planned construction.

1141 3. The association shall ensure that the information and  
1142 records described in paragraph (c), which are not allowed to be  
1143 accessible to unit owners, are not posted on the association's  
1144 website or application. If protected information or information  
1145 restricted from being accessible to unit owners is included in  
1146 documents that are required to be posted on the association's  
1147 website or application, the association shall ensure the  
1148 information is redacted before posting the documents.

1149 Notwithstanding the foregoing, the association or its agent is  
1150 not liable for disclosing information that is protected or  
1151 restricted under this paragraph unless such disclosure was made  
1152 with a knowing or intentional disregard of the protected or  
1153 restricted nature of such information.

1154 4. The failure of the association to post information  
1155 required under subparagraph 2. is not in and of itself  
1156 sufficient to invalidate any action or decision of the  
1157 association's board or its committees.

1158 Section 10. Paragraphs (c), (d), (f), (g), and (q) of  
1159 subsection (2) of section 718.112, Florida Statutes, are  
1160 amended, and paragraph (r) is added to that subsection, to read:



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1161 718.112 Bylaws.—

1162 (2) REQUIRED PROVISIONS.—The bylaws shall provide for the  
1163 following and, if they do not do so, shall be deemed to include  
1164 the following:

1165 (c) *Board of administration meetings.*—In a residential  
1166 condominium association of more than 10 units, the board of  
1167 administration shall meet at least once each quarter. At least  
1168 four times each year, the meeting agenda must include an  
1169 opportunity for members to ask questions. Meetings of the board  
1170 of administration at which a quorum of the members is present  
1171 are open to all unit owners. Members of the board of  
1172 administration may use e-mail as a means of communication but  
1173 may not cast a vote on an association matter via e-mail. A unit  
1174 owner may tape record or videotape the meetings. The right to  
1175 attend such meetings includes the right to speak at such  
1176 meetings with reference to all designated agenda items, and the  
1177 right to ask questions with respect to reports on the status of  
1178 construction or repair projects, status of revenues and  
1179 expenditures during the current fiscal year, and other issues  
1180 affecting the condominium. The division shall adopt reasonable  
1181 rules governing the tape recording and videotaping of the  
1182 meeting. The association may adopt written reasonable rules  
1183 governing the frequency, duration, and manner of unit owner  
1184 statements.

1185 1. Adequate notice of all board meetings, which must  
1186 specifically identify all agenda items, must be posted  
1187 conspicuously on the condominium property at least 48 continuous  
1188 hours before the meeting except in an emergency. If 20 percent  
1189 of the voting interests petition the board to address an item of

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1190 business, the board, within 60 days after receipt of the  
1191 petition, shall place the item on the agenda at its next regular  
1192 board meeting or at a special meeting called for that purpose.  
1193 An item not included on the notice may be taken up on an  
1194 emergency basis by a vote of at least a majority plus one of the  
1195 board members. Such emergency action must be noticed and  
1196 ratified at the next regular board meeting. Written notice of a  
1197 meeting at which a nonemergency special assessment or an  
1198 amendment to rules regarding unit use will be considered must be  
1199 mailed, delivered, or electronically transmitted to the unit  
1200 owners and posted conspicuously on the condominium property at  
1201 least 14 days before the meeting. Evidence of compliance with  
1202 this 14-day notice requirement must be made by an affidavit  
1203 executed by the person providing the notice and filed with the  
1204 official records of the association. ~~Notice of any meeting in  
1205 which regular or special assessments against unit owners are to  
1206 be considered must specifically state that assessments will be  
1207 considered and provide the estimated cost and description of the  
1208 purposes for such assessments.~~

1209 2. Upon notice to the unit owners, the board shall, by duly  
1210 adopted rule, designate a specific location on the condominium  
1211 property where all notices of board meetings must be posted. If  
1212 there is no condominium property where notices can be posted,  
1213 notices shall be mailed, delivered, or electronically  
1214 transmitted to each unit owner at least 14 days before the  
1215 meeting. In lieu of or in addition to the physical posting of  
1216 the notice on the condominium property, the association may, by  
1217 reasonable rule, adopt a procedure for conspicuously posting and  
1218 repeatedly broadcasting the notice and the agenda on a closed-

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1219 circuit cable television system serving the condominium  
1220 association. However, if broadcast notice is used in lieu of a  
1221 notice physically posted on condominium property, the notice and  
1222 agenda must be broadcast at least four times every broadcast  
1223 hour of each day that a posted notice is otherwise required  
1224 under this section. If broadcast notice is provided, the notice  
1225 and agenda must be broadcast in a manner and for a sufficient  
1226 continuous length of time so as to allow an average reader to  
1227 observe the notice and read and comprehend the entire content of  
1228 the notice and the agenda. In addition to any of the authorized  
1229 means of providing notice of a meeting of the board, the  
1230 association may, by rule, adopt a procedure for conspicuously  
1231 posting the meeting notice and the agenda on a website serving  
1232 the condominium association for at least the minimum period of  
1233 time for which a notice of a meeting is also required to be  
1234 physically posted on the condominium property. Any rule adopted  
1235 shall, in addition to other matters, include a requirement that  
1236 the association send an electronic notice in the same manner as  
1237 a notice for a meeting of the members, which must include a  
1238 hyperlink to the website where the notice is posted, to unit  
1239 owners whose e-mail addresses are included in the association's  
1240 official records.

1241 3. Notice of any meeting in which regular or special  
1242 assessments against unit owners are to be considered must  
1243 specifically state that assessments will be considered and  
1244 provide the estimated cost and description of the purposes for  
1245 such assessments. If an agenda item relates to the approval of a  
1246 contract for goods or services, a copy of the contract must be  
1247 provided with the notice, made available for inspection and

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1248 copying upon a written request from a unit owner, or made  
1249 available on the association's website or through an application  
1250 that can be downloaded on a mobile device.

1251 ~~4.2.~~ Meetings of a committee to take final action on behalf  
1252 of the board or make recommendations to the board regarding the  
1253 association budget are subject to this paragraph. Meetings of a  
1254 committee that does not take final action on behalf of the board  
1255 or make recommendations to the board regarding the association  
1256 budget are subject to this section, unless those meetings are  
1257 exempted from this section by the bylaws of the association.

1258 ~~5.3.~~ Notwithstanding any other law, the requirement that  
1259 board meetings and committee meetings be open to the unit owners  
1260 does not apply to:

1261 a. Meetings between the board or a committee and the  
1262 association's attorney, with respect to proposed or pending  
1263 litigation, if the meeting is held for the purpose of seeking or  
1264 rendering legal advice; or

1265 b. Board meetings held for the purpose of discussing  
1266 personnel matters.

1267 (d) *Unit owner meetings.*—

1268 1. An annual meeting of the unit owners must be held at the  
1269 location provided in the association bylaws and, if the bylaws  
1270 are silent as to the location, the meeting must be held within  
1271 45 miles of the condominium property. However, such distance  
1272 requirement does not apply to an association governing a  
1273 timeshare condominium.

1274 2. Unless the bylaws provide otherwise, a vacancy on the  
1275 board caused by the expiration of a director's term must be  
1276 filled by electing a new board member, and the election must be

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1277 by secret ballot. An election is not required if the number of  
1278 vacancies equals or exceeds the number of candidates. For  
1279 purposes of this paragraph, the term "candidate" means an  
1280 eligible person who has timely submitted the written notice, as  
1281 described in sub-subparagraph 4.a., of his or her intention to  
1282 become a candidate. Except in a timeshare or nonresidential  
1283 condominium, or if the staggered term of a board member does not  
1284 expire until a later annual meeting, or if all members' terms  
1285 would otherwise expire but there are no candidates, the terms of  
1286 all board members expire at the annual meeting, and such members  
1287 may stand for reelection unless prohibited by the bylaws. Board  
1288 members may serve terms longer than 1 year if permitted by the  
1289 bylaws or articles of incorporation. A board member may not  
1290 serve more than 8 consecutive years unless approved by an  
1291 affirmative vote of unit owners representing two-thirds of all  
1292 votes cast in the election or unless there are not enough  
1293 eligible candidates to fill the vacancies on the board at the  
1294 time of the vacancy. Only board service that occurs on or after  
1295 July 1, 2018, may be used when calculating a board member's term  
1296 limit. If the number of board members whose terms expire at the  
1297 annual meeting equals or exceeds the number of candidates, the  
1298 candidates become members of the board effective upon the  
1299 adjournment of the annual meeting. Unless the bylaws provide  
1300 otherwise, any remaining vacancies shall be filled by the  
1301 affirmative vote of the majority of the directors making up the  
1302 newly constituted board even if the directors constitute less  
1303 than a quorum or there is only one director. In a residential  
1304 condominium association of more than 10 units or in a  
1305 residential condominium association that does not include

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1306 timeshare units or timeshare interests, co-owners of a unit may  
1307 not serve as members of the board of directors at the same time  
1308 unless they own more than one unit or unless there are not  
1309 enough eligible candidates to fill the vacancies on the board at  
1310 the time of the vacancy. A unit owner in a residential  
1311 condominium desiring to be a candidate for board membership must  
1312 comply with sub-subparagraph 4.a. and must be eligible to be a  
1313 candidate to serve on the board of directors at the time of the  
1314 deadline for submitting a notice of intent to run in order to  
1315 have his or her name listed as a proper candidate on the ballot  
1316 or to serve on the board. A person who has been suspended or  
1317 removed by the division under this chapter, or who is delinquent  
1318 in the payment of any assessment due to the association, is not  
1319 eligible to be a candidate for board membership and may not be  
1320 listed on the ballot. For purposes of this paragraph, a person  
1321 is delinquent if a payment is not made by the due date as  
1322 specifically identified in the declaration of condominium,  
1323 bylaws, or articles of incorporation. If a due date is not  
1324 specifically identified in the declaration of condominium,  
1325 bylaws, or articles of incorporation, the due date is the first  
1326 day of the assessment period. A person who has been convicted of  
1327 any felony in this state or in a United States District or  
1328 Territorial Court, or who has been convicted of any offense in  
1329 another jurisdiction which would be considered a felony if  
1330 committed in this state, is not eligible for board membership  
1331 unless such felon's civil rights have been restored for at least  
1332 5 years as of the date such person seeks election to the board.  
1333 The validity of an action by the board is not affected if it is  
1334 later determined that a board member is ineligible for board

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1335 membership due to having been convicted of a felony. This  
1336 subparagraph does not limit the term of a member of the board of  
1337 a nonresidential or timeshare condominium.

1338         3. The bylaws must provide the method of calling meetings  
1339 of unit owners, including annual meetings. Written notice of an  
1340 annual meeting must include an agenda; be mailed, hand  
1341 delivered, or electronically transmitted to each unit owner at  
1342 least 14 days before the annual meeting; and be posted in a  
1343 conspicuous place on the condominium property or association  
1344 property at least 14 continuous days before the annual meeting.  
1345 Written notice of a meeting other than an annual meeting must  
1346 include an agenda; be mailed, hand delivered, or electronically  
1347 transmitted to each unit owner; and be posted in a conspicuous  
1348 place on the condominium property or association property within  
1349 the timeframe specified in the bylaws. If the bylaws do not  
1350 specify a timeframe for written notice of a meeting other than  
1351 an annual meeting, notice must be provided at least 14  
1352 continuous days before the meeting. Upon notice to the unit  
1353 owners, the board shall, by duly adopted rule, designate a  
1354 specific location on the condominium property or association  
1355 property where all notices of unit owner meetings must be  
1356 posted. This requirement does not apply if there is no  
1357 condominium property for posting notices. In lieu of, or in  
1358 addition to, the physical posting of meeting notices, the  
1359 association may, by reasonable rule, adopt a procedure for  
1360 conspicuously posting and repeatedly broadcasting the notice and  
1361 the agenda on a closed-circuit cable television system serving  
1362 the condominium association. However, if broadcast notice is  
1363 used in lieu of a notice posted physically on the condominium

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1364 property, the notice and agenda must be broadcast at least four  
1365 times every broadcast hour of each day that a posted notice is  
1366 otherwise required under this section. If broadcast notice is  
1367 provided, the notice and agenda must be broadcast in a manner  
1368 and for a sufficient continuous length of time so as to allow an  
1369 average reader to observe the notice and read and comprehend the  
1370 entire content of the notice and the agenda. In addition to any  
1371 of the authorized means of providing notice of a meeting of the  
1372 board, the association may, by rule, adopt a procedure for  
1373 conspicuously posting the meeting notice and the agenda on a  
1374 website serving the condominium association for at least the  
1375 minimum period of time for which a notice of a meeting is also  
1376 required to be physically posted on the condominium property.  
1377 Any rule adopted shall, in addition to other matters, include a  
1378 requirement that the association send an electronic notice in  
1379 the same manner as a notice for a meeting of the members, which  
1380 must include a hyperlink to the website where the notice is  
1381 posted, to unit owners whose e-mail addresses are included in  
1382 the association's official records. Unless a unit owner waives  
1383 in writing the right to receive notice of the annual meeting,  
1384 such notice must be hand delivered, mailed, or electronically  
1385 transmitted to each unit owner. Notice for meetings and notice  
1386 for all other purposes must be mailed to each unit owner at the  
1387 address last furnished to the association by the unit owner, or  
1388 hand delivered to each unit owner. However, if a unit is owned  
1389 by more than one person, the association must provide notice to  
1390 the address that the developer identifies for that purpose and  
1391 thereafter as one or more of the owners of the unit advise the  
1392 association in writing, or if no address is given or the owners



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1393 of the unit do not agree, to the address provided on the deed of  
1394 record. An officer of the association, or the manager or other  
1395 person providing notice of the association meeting, must provide  
1396 an affidavit or United States Postal Service certificate of  
1397 mailing, to be included in the official records of the  
1398 association affirming that the notice was mailed or hand  
1399 delivered in accordance with this provision.

1400 4. The members of the board of a residential condominium  
1401 shall be elected by written ballot or voting machine. Proxies  
1402 may not be used in electing the board in general elections or  
1403 elections to fill vacancies caused by recall, resignation, or  
1404 otherwise, unless otherwise provided in this chapter. This  
1405 subparagraph does not apply to an association governing a  
1406 timeshare condominium.

1407 a. At least 60 days before a scheduled election, the  
1408 association shall mail, deliver, or electronically transmit, by  
1409 separate association mailing or included in another association  
1410 mailing, delivery, or transmission, including regularly  
1411 published newsletters, to each unit owner entitled to a vote, a  
1412 first notice of the date of the election. A unit owner or other  
1413 eligible person desiring to be a candidate for the board must  
1414 give written notice of his or her intent to be a candidate to  
1415 the association at least 40 days before a scheduled election.  
1416 Together with the written notice and agenda as set forth in  
1417 subparagraph 3., the association shall mail, deliver, or  
1418 electronically transmit a second notice of the election to all  
1419 unit owners entitled to vote, together with a ballot that lists  
1420 all candidates not less than 14 days or more than 34 days before  
1421 the date of the election. Upon request of a candidate, an

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1422 information sheet, no larger than 8 1/2 inches by 11 inches,  
1423 which must be furnished by the candidate at least 35 days before  
1424 the election, must be included with the mailing, delivery, or  
1425 transmission of the ballot, with the costs of mailing, delivery,  
1426 or electronic transmission and copying to be borne by the  
1427 association. The association is not liable for the contents of  
1428 the information sheets prepared by the candidates. In order to  
1429 reduce costs, the association may print or duplicate the  
1430 information sheets on both sides of the paper. The division  
1431 shall by rule establish voting procedures consistent with this  
1432 sub-subparagraph, including rules establishing procedures for  
1433 giving notice by electronic transmission and rules providing for  
1434 the secrecy of ballots. Elections shall be decided by a  
1435 plurality of ballots cast. There is no quorum requirement;  
1436 however, at least 20 percent of the eligible voters must cast a  
1437 ballot in order to have a valid election. A unit owner may not  
1438 authorize any other person to vote his or her ballot, and any  
1439 ballots improperly cast are invalid. A unit owner who violates  
1440 this provision may be fined by the association in accordance  
1441 with s. 718.303. A unit owner who needs assistance in casting  
1442 the ballot for the reasons stated in s. 101.051 may obtain such  
1443 assistance. The regular election must occur on the date of the  
1444 annual meeting. Notwithstanding this sub-subparagraph, an  
1445 election is not required unless more candidates file notices of  
1446 intent to run or are nominated than board vacancies exist.

1447 b. A director of a ~~Within 90 days after being elected or~~  
1448 ~~appointed to the~~ board of an association of a residential  
1449 ~~condominium, each newly elected or appointed director shall:~~

1450 (I) Certify in writing to the secretary of the association

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1451 that he or she has read the association's declaration of  
1452 condominium, articles of incorporation, bylaws, and current  
1453 written policies; that he or she will work to uphold such  
1454 documents and policies to the best of his or her ability; and  
1455 that he or she will faithfully discharge his or her fiduciary  
1456 responsibility to the association's members. ~~In lieu of this~~  
1457 ~~written certification, within 90 days after being elected or~~  
1458 ~~appointed to the board, the newly elected or appointed director~~  
1459 ~~may~~

1460 (II) Submit to the secretary of the association a  
1461 certificate of having satisfactorily completed the educational  
1462 curriculum administered by a division-approved condominium  
1463 education provider within 1 year before or 90 days after the  
1464 date of election or appointment. The education curriculum must  
1465 be least 4 hours long and address director and officer fiduciary  
1466 duty, milestone inspections under s. 553.899, structural  
1467 integrity reserve studies, and at least four of the following  
1468 topics: budgets and reserves; elections; financial reporting;  
1469 condominium operations; records maintenance, including unit  
1470 owner access to records; dispute resolution; and bids and  
1471 contracts.

1472  
1473 Each newly elected or appointed director must submit the written  
1474 certification and educational certificate to the secretary of  
1475 the association within 1 year before being elected or appointed  
1476 or within 90 days after the date of election or appointment. A  
1477 director of an association of a residential condominium who was  
1478 elected or appointed before July 1, 2024, shall comply with the  
1479 written certification and educational certificate requirements

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1480 in this sub-subparagraph by June 30, 2025. The written  
1481 certification and ~~or~~ educational certificate is valid for 7  
1482 years from the date of issuance and does not have to be  
1483 resubmitted as long as the director serves on the board without  
1484 interruption during the 7-year period. A director who is  
1485 appointed by the developer may satisfy the educational  
1486 certificate requirement in sub-sub-subparagraph (II) for any  
1487 subsequent appointment to a board by a developer within 7 years  
1488 after the date of issuance of the most recent educational  
1489 certificate, including any interruption of service on a board or  
1490 an appointment to a board in another association within that 7-  
1491 year period. Additionally, one year after submission of the most  
1492 recent written certification and educational certificate, and  
1493 annually thereafter, a director of an association of a  
1494 residential condominium must submit to the secretary of the  
1495 association a certificate of having satisfactorily completed an  
1496 educational curriculum administered by a division-approved  
1497 condominium education provider, relating to any recent changes  
1498 to this chapter and the related administrative rules, during the  
1499 past year. The cost of a required educational curriculum and  
1500 certificate is an expense of the association which the  
1501 association may pay on behalf of the director or reimburse the  
1502 director for his or her expense. A director of an association of  
1503 a residential condominium who fails to timely file the written  
1504 certification and ~~or~~ educational certificate is suspended from  
1505 service on the board until he or she complies with this sub-  
1506 subparagraph. The board may temporarily fill the vacancy during  
1507 the period of suspension. The secretary shall cause the  
1508 association to retain a director's written certification and ~~or~~

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1509 educational certificate for inspection by the members for 7 ~~5~~  
1510 years after a director's election or the duration of the  
1511 director's uninterrupted tenure, whichever is longer. Failure to  
1512 have such written certification and ~~or~~ educational certificate  
1513 on file does not affect the validity of any board action.

1514 c. Any challenge to the election process must be commenced  
1515 within 60 days after the election results are announced.

1516 5. Any approval by unit owners called for by this chapter  
1517 or the applicable declaration or bylaws, including, but not  
1518 limited to, the approval requirement in s. 718.111(8), must be  
1519 made at a duly noticed meeting of unit owners and is subject to  
1520 all requirements of this chapter or the applicable condominium  
1521 documents relating to unit owner decisionmaking, except that  
1522 unit owners may take action by written agreement, without  
1523 meetings, on matters for which action by written agreement  
1524 without meetings is expressly allowed by the applicable bylaws  
1525 or declaration or any law that provides for such action.

1526 6. Unit owners may waive notice of specific meetings if  
1527 allowed by the applicable bylaws or declaration or any law.  
1528 Notice of meetings of the board of administration; unit owner  
1529 meetings, except unit owner meetings called to recall board  
1530 members under paragraph (1); and committee meetings may be given  
1531 by electronic transmission to unit owners who consent to receive  
1532 notice by electronic transmission. A unit owner who consents to  
1533 receiving notices by electronic transmission is solely  
1534 responsible for removing or bypassing filters that block receipt  
1535 of mass e-mails sent to members on behalf of the association in  
1536 the course of giving electronic notices.

1537 7. Unit owners have the right to participate in meetings of

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1538 unit owners with reference to all designated agenda items.  
1539 However, the association may adopt reasonable rules governing  
1540 the frequency, duration, and manner of unit owner participation.

1541 8. A unit owner may tape record or videotape a meeting of  
1542 the unit owners subject to reasonable rules adopted by the  
1543 division.

1544 9. Unless otherwise provided in the bylaws, any vacancy  
1545 occurring on the board before the expiration of a term may be  
1546 filled by the affirmative vote of the majority of the remaining  
1547 directors, even if the remaining directors constitute less than  
1548 a quorum, or by the sole remaining director. In the alternative,  
1549 a board may hold an election to fill the vacancy, in which case  
1550 the election procedures must conform to sub-subparagraph 4.a.  
1551 unless the association governs 10 units or fewer and has opted  
1552 out of the statutory election process, in which case the bylaws  
1553 of the association control. Unless otherwise provided in the  
1554 bylaws, a board member appointed or elected under this section  
1555 shall fill the vacancy for the unexpired term of the seat being  
1556 filled. Filling vacancies created by recall is governed by  
1557 paragraph (1) and rules adopted by the division.

1558 10. This chapter does not limit the use of general or  
1559 limited proxies, require the use of general or limited proxies,  
1560 or require the use of a written ballot or voting machine for any  
1561 agenda item or election at any meeting of a timeshare  
1562 condominium association or nonresidential condominium  
1563 association.

1564  
1565 Notwithstanding subparagraph (b)2. and sub-subparagraph 4.a., an  
1566 association of 10 or fewer units may, by affirmative vote of a

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1567 majority of the total voting interests, provide for different  
1568 voting and election procedures in its bylaws, which may be by a  
1569 proxy specifically delineating the different voting and election  
1570 procedures. The different voting and election procedures may  
1571 provide for elections to be conducted by limited or general  
1572 proxy.

1573 (f) *Annual budget.*—

1574 1. The proposed annual budget of estimated revenues and  
1575 expenses must be detailed and must show the amounts budgeted by  
1576 accounts and expense classifications, including, at a minimum,  
1577 any applicable expenses listed in s. 718.504(21). The board  
1578 shall adopt the annual budget at least 14 days before the start  
1579 of the association's fiscal year. In the event that the board  
1580 fails to timely adopt the annual budget a second time, it is  
1581 deemed a minor violation and the prior year's budget shall  
1582 continue in effect until a new budget is adopted. A  
1583 multicondominium association must adopt a separate budget of  
1584 common expenses for each condominium the association operates  
1585 and must adopt a separate budget of common expenses for the  
1586 association. In addition, if the association maintains limited  
1587 common elements with the cost to be shared only by those  
1588 entitled to use the limited common elements as provided for in  
1589 s. 718.113(1), the budget or a schedule attached to it must show  
1590 the amount budgeted for this maintenance. If, after turnover of  
1591 control of the association to the unit owners, any of the  
1592 expenses listed in s. 718.504(21) are not applicable, they do  
1593 not need to be listed.

1594 2.a. In addition to annual operating expenses, the budget  
1595 must include reserve accounts for capital expenditures and

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1596 planned ~~deferred~~ maintenance. These accounts must include, but  
1597 are not limited to, roof replacement, building painting, and  
1598 pavement resurfacing, regardless of the amount of planned  
1599 ~~deferred~~ maintenance expense or replacement cost, and any other  
1600 item that has a planned ~~deferred~~ maintenance expense or  
1601 replacement cost that exceeds \$10,000. The amount to be reserved  
1602 must be computed using a formula based upon estimated remaining  
1603 useful life and estimated replacement cost or planned ~~deferred~~  
1604 maintenance expense of the reserve item. In a budget adopted by  
1605 an association that is required to obtain a structural integrity  
1606 reserve study, reserves must be maintained for the items  
1607 identified in paragraph (g) for which the association is  
1608 responsible pursuant to the declaration of condominium, and the  
1609 reserve amount for such items must be based on the findings and  
1610 recommendations of the association's most recent structural  
1611 integrity reserve study. With respect to items for which an  
1612 estimate of useful life is not readily ascertainable or with an  
1613 estimated remaining useful life of greater than 25 years, an  
1614 association is not required to reserve replacement costs for  
1615 such items, but an association must reserve the amount of  
1616 planned ~~deferred~~ maintenance expense, if any, which is  
1617 recommended by the structural integrity reserve study for such  
1618 items. The association may adjust replacement reserve  
1619 assessments annually to take into account an inflation  
1620 adjustment and any changes in estimates or extension of the  
1621 useful life of a reserve item caused by planned ~~deferred~~  
1622 maintenance. The members of a unit-owner-controlled association  
1623 may determine, by a majority vote of the total voting interests  
1624 of the association, to provide no reserves or less reserves than



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1625 required by this subsection. For a budget adopted on or after  
1626 December 31, 2024, the members of a unit-owner-controlled  
1627 association that must obtain a structural integrity reserve  
1628 study may not determine to provide no reserves or less reserves  
1629 than required by this subsection for items listed in paragraph  
1630 (g), except that members of an association operating a  
1631 multicondominium may determine to provide no reserves or less  
1632 reserves than required by this subsection if an alternative  
1633 funding method has been approved by the division. If the local  
1634 building official, as defined in s. 468.603, determines that the  
1635 entire condominium building is uninhabitable due to a natural  
1636 emergency, as defined in s. 252.34, the board, upon the approval  
1637 of a majority of its members, may pause the contribution to its  
1638 reserves or reduce reserve funding until the local building  
1639 official determines that the condominium building is habitable.  
1640 Any reserve account funds held by the association may be  
1641 expended, pursuant to the board's determination, to make the  
1642 condominium building and its structures habitable. Upon the  
1643 determination by the local building official that the  
1644 condominium building and its structures are habitable, the  
1645 association must immediately resume contributing funds to its  
1646 reserves.

1647       b. Before turnover of control of an association by a  
1648 developer to unit owners other than a developer under s.  
1649 718.301, the developer-controlled association may not vote to  
1650 waive the reserves or reduce funding of the reserves. If a  
1651 meeting of the unit owners has been called to determine whether  
1652 to waive or reduce the funding of reserves and no such result is  
1653 achieved or a quorum is not attained, the reserves included in

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1654 the budget shall go into effect. After the turnover, the  
1655 developer may vote its voting interest to waive or reduce the  
1656 funding of reserves.

1657 3. Reserve funds and any interest accruing thereon shall  
1658 remain in the reserve account or accounts, and may be used only  
1659 for authorized reserve expenditures unless their use for other  
1660 purposes is approved in advance by a majority vote of all the  
1661 total voting interests of the association. Before turnover of  
1662 control of an association by a developer to unit owners other  
1663 than the developer pursuant to s. 718.301, the developer-  
1664 controlled association may not vote to use reserves for purposes  
1665 other than those for which they were intended. For a budget  
1666 adopted on or after December 31, 2024, members of a unit-owner-  
1667 controlled association that must obtain a structural integrity  
1668 reserve study may not vote to use reserve funds, or any interest  
1669 accruing thereon, for any other purpose other than the  
1670 replacement or planned ~~deferred~~ maintenance costs of the  
1671 components listed in paragraph (g).

1672 4. The only voting interests that are eligible to vote on  
1673 questions that involve waiving or reducing the funding of  
1674 reserves, or using existing reserve funds for purposes other  
1675 than purposes for which the reserves were intended, are the  
1676 voting interests of the units subject to assessment to fund the  
1677 reserves in question. Proxy questions relating to waiving or  
1678 reducing the funding of reserves or using existing reserve funds  
1679 for purposes other than purposes for which the reserves were  
1680 intended must contain the following statement in capitalized,  
1681 bold letters in a font size larger than any other used on the  
1682 face of the proxy ballot: WAIVING OF RESERVES, IN WHOLE OR IN

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1683 PART, OR ALLOWING ALTERNATIVE USES OF EXISTING RESERVES MAY  
1684 RESULT IN UNIT OWNER LIABILITY FOR PAYMENT OF UNANTICIPATED  
1685 SPECIAL ASSESSMENTS REGARDING THOSE ITEMS.

1686 (g) *Structural integrity reserve study.*—

1687 1. A residential condominium association must have a  
1688 structural integrity reserve study completed at least every 10  
1689 years after the condominium's creation for each building on the  
1690 condominium property that is three stories or higher in height,  
1691 as determined by the Florida Building Code, which includes, at a  
1692 minimum, a study of the following items as related to the  
1693 structural integrity and safety of the building:

1694 a. Roof.

1695 b. Structure, including load-bearing walls and other  
1696 primary structural members and primary structural systems as  
1697 those terms are defined in s. 627.706.

1698 c. Fireproofing and fire protection systems.

1699 d. Plumbing.

1700 e. Electrical systems.

1701 f. Waterproofing and exterior painting.

1702 g. Windows and exterior doors.

1703 h. Any other item that has a planned ~~deferred~~ maintenance  
1704 expense or replacement cost that exceeds \$10,000 and the failure  
1705 to replace or maintain such item negatively affects the items  
1706 listed in sub-subparagraphs a.-g., as determined by the visual  
1707 inspection portion of the structural integrity reserve study.

1708 2. A structural integrity reserve study is based on a  
1709 visual inspection of the condominium property. A structural  
1710 integrity reserve study may be performed by any person qualified  
1711 to perform such study. However, the visual inspection portion of

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1712 the structural integrity reserve study must be performed or  
1713 verified by an engineer licensed under chapter 471, an architect  
1714 licensed under chapter 481, or a person certified as a reserve  
1715 specialist or professional reserve analyst by the Community  
1716 Associations Institute or the Association of Professional  
1717 Reserve Analysts.

1718 3. At a minimum, a structural integrity reserve study must  
1719 identify each item of the condominium property being visually  
1720 inspected, state the estimated remaining useful life and the  
1721 estimated replacement cost or planned ~~deferred~~ maintenance  
1722 expense of each item of the condominium property being visually  
1723 inspected, and provide a reserve funding schedule with a  
1724 recommended annual reserve amount that achieves the estimated  
1725 replacement cost or planned ~~deferred~~ maintenance expense of each  
1726 item of condominium property being visually inspected by the end  
1727 of the estimated remaining useful life of the item. The  
1728 structural integrity reserve study may recommend that reserves  
1729 do not need to be maintained for any item for which an estimate  
1730 of useful life and an estimate of replacement cost cannot be  
1731 determined, or the study may recommend a planned ~~deferred~~  
1732 maintenance expense amount for such item. The structural  
1733 integrity reserve study may recommend that reserves for  
1734 replacement costs do not need to be maintained for any item with  
1735 an estimated remaining useful life of greater than 25 years, but  
1736 the study may recommend a planned ~~deferred~~ maintenance expense  
1737 amount for such item. If the condominium building or units are  
1738 unsafe and uninhabitable due to substantial damage or loss as  
1739 determined by the local enforcement agency, as defined in s.  
1740 533.71(5), and it is in the best interests of the association to

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1741 use revenues and existing reserve funds to perform necessary  
1742 repairs to make the building safe and habitable, the structural  
1743 integrity reserve study may recommend a temporary pause in  
1744 reserve funding or reduced reserve funding, but the association  
1745 may not pause reserve funding after the building has been  
1746 declared safe for occupancy by the local enforcement agency.

1747 4. This paragraph does not apply to buildings less than  
1748 three stories in height; single-family, two-family, ~~or~~ three-  
1749 family, or four-family dwellings with three or fewer habitable  
1750 stories above ground; any portion or component of a building  
1751 that has not been submitted to the condominium form of  
1752 ownership; or any portion or component of a building that is  
1753 maintained by a party other than the association.

1754 5. Before a developer turns over control of an association  
1755 to unit owners other than the developer, the developer must have  
1756 a turnover inspection report in compliance with s. 718.301(4)(p)  
1757 and (q) for each building on the condominium property that is  
1758 three stories or higher in height.

1759 6. Associations existing on or before July 1, 2022, which  
1760 are controlled by unit owners other than the developer, must  
1761 have a structural integrity reserve study completed by December  
1762 31, 2024, for each building on the condominium property that is  
1763 three stories or higher in height. An association that is  
1764 required to complete a milestone inspection in accordance with  
1765 s. 553.899 on or before December 31, 2026, may complete the  
1766 structural integrity reserve study simultaneously with the  
1767 milestone inspection. In no event may the structural integrity  
1768 reserve study be completed after December 31, 2026.

1769 7. If the milestone inspection required by s. 553.899, or

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1770 an inspection completed for a similar local requirement, was  
1771 performed within the past 5 years and meets the requirements of  
1772 this paragraph, such inspection may be used in place of the  
1773 visual inspection portion of the structural integrity reserve  
1774 study.

1775 8. If the officers or directors of an association willfully  
1776 and knowingly fail to complete a structural integrity reserve  
1777 study pursuant to this paragraph, such failure is a breach of an  
1778 officer's and director's fiduciary relationship to the unit  
1779 owners under s. 718.111(1).

1780 9. Within 45 days after receiving the structural integrity  
1781 reserve study, the association must distribute a copy of the  
1782 study to each unit owner or deliver to each unit owner a notice  
1783 that the completed study is available for inspection and copying  
1784 upon a written request. Distribution of a copy of the study or  
1785 notice must be made by United States mail or personal delivery  
1786 at the mailing address, property address, or any other address  
1787 of the owner provided to fulfill the association's notice  
1788 requirements under this chapter, or by electronic transmission  
1789 to the e-mail address or facsimile number provided to fulfill  
1790 the association's notice requirements to unit owners who  
1791 previously consented to receive notice by electronic  
1792 transmission.

1793 (q) *Director or officer offenses.*—

1794 1. A director or an officer charged by information or  
1795 indictment with any of the following crimes is deemed removed  
1796 from office and a vacancy declared:

1797 a. Forgery of a ballot envelope or voting certificate used  
1798 in a condominium association election as provided in s. 831.01.

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1799 b. Theft or embezzlement involving the association's funds  
1800 or property as provided in s. 812.014.

1801 c. Destruction of, or the refusal to allow inspection or  
1802 copying of, an official record of a condominium association  
1803 which is accessible to unit owners within the time periods  
1804 required by general law, in furtherance of any crime. Such act  
1805 constitutes tampering with physical evidence as provided in s.  
1806 918.13.

1807 d. Obstruction of justice under chapter 843.

1808 e. Any criminal violation under this chapter.

1809 2. The board shall fill the vacancy in accordance with  
1810 paragraph (2) (d) a felony theft or embezzlement offense  
1811 involving the association's funds or property must be removed  
1812 from office, creating a vacancy in the office to be filled  
1813 according to law until the end of the period of the suspension  
1814 or the end of the director's term of office, whichever occurs  
1815 first. While such director or officer has such criminal charge  
1816 pending, he or she may not be appointed or elected to a position  
1817 as a director or an officer of any association and may not have  
1818 access to the official records of any association, except  
1819 pursuant to a court order. However, if the charges are resolved  
1820 without a finding of guilt, the director or officer shall be  
1821 reinstated for the remainder of his or her term of office, if  
1822 any.

1823 (r) Fraudulent voting activities relating to association  
1824 elections; penalties.-

1825 1. A person who engages in the following acts of fraudulent  
1826 voting activity relating to association elections commits a  
1827 misdemeanor of the first degree, punishable as provided in s.

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1828 775.082 or s. 775.083:

1829 a. Willfully and falsely swearing to or affirming an oath  
1830 or affirmation, or willfully procuring another person to falsely  
1831 swear to or affirm an oath or affirmation, in connection with or  
1832 arising out of voting activities.

1833 b. Perpetrating or attempting to perpetrate, or aiding in  
1834 the perpetration of, fraud in connection with a vote cast, to be  
1835 cast, or attempted to be cast.

1836 c. Preventing a member from voting or preventing a member  
1837 from voting as he or she intended by fraudulently changing or  
1838 attempting to change a ballot, ballot envelope, vote, or voting  
1839 certificate of the member.

1840 d. Menacing, threatening, or using bribery or any other  
1841 corruption to attempt, directly or indirectly, to influence,  
1842 deceive, or deter a member when the member is voting.

1843 e. Giving or promising, directly or indirectly, anything of  
1844 value to another member with the intent to buy the vote of that  
1845 member or another member or to corruptly influence that member  
1846 or another member in casting his or her vote. This subsection  
1847 does not apply to any food served which is to be consumed at an  
1848 election rally or a meeting or to any item of nominal value  
1849 which is used as an election advertisement, including a campaign  
1850 message designed to be worn by a member.

1851 f. Using or threatening to use, directly or indirectly,  
1852 force, violence, or intimidation or any tactic of coercion or  
1853 intimidation to induce or compel a member to vote or refrain  
1854 from voting in an election or on a particular ballot measure.

1855 2. Each of the following acts constitutes a misdemeanor of  
1856 the first degree, punishable as provided in s. 775.082 or s.



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1857 775.083:

1858 a. Knowingly aiding, abetting, or advising a person in the  
1859 commission of a fraudulent voting activity related to  
1860 association elections.

1861 b. Agreeing, conspiring, combining, or confederating with  
1862 at least one other person to commit a fraudulent voting activity  
1863 related to association elections.

1864 c. Having knowledge of a fraudulent voting activity related  
1865 to association elections and giving any aid to the offender with  
1866 intent that the offender avoid or escape detection, arrest,  
1867 trial, or punishment.

1868  
1869 This subparagraph does not apply to a licensed attorney giving  
1870 legal advice to a client.

1871 3. Any person charged by information or indictment for any  
1872 of the crimes in this paragraph shall be deemed removed from  
1873 office and a vacancy declared.

1874 Section 11. Subsection (5) of section 718.113, Florida  
1875 Statutes, is amended to read:

1876 718.113 Maintenance; limitation upon improvement; display  
1877 of flag; hurricane ~~shutters~~ and protection; display of religious  
1878 decorations.-

1879 (5) To protect the health, safety, and welfare of the  
1880 people of this state and to ensure uniformity and consistency in  
1881 the hurricane protections installed by condominium associations  
1882 and unit owners, this subsection applies to all residential and  
1883 mixed-use condominiums in this state, regardless of when the  
1884 condominium is created pursuant to the declaration of  
1885 condominium. Each board of administration of a residential

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1886 condominium or mixed-use condominium shall adopt hurricane  
1887 protection ~~shutter~~ specifications for each building within each  
1888 condominium operated by the association which may ~~shall~~ include  
1889 color, style, and other factors deemed relevant by the board.  
1890 All specifications adopted by the board must comply with the  
1891 applicable building code. The installation, maintenance, repair,  
1892 replacement, and operation of hurricane protection in accordance  
1893 with this subsection is not considered a material alterations or  
1894 substantial additions to the common elements or association  
1895 property within the meaning of this section.

1896 (a) The board may, subject to s. 718.3026 and the approval  
1897 of a majority of voting interests of the residential condominium  
1898 or mixed-use condominium, install or require that unit owners  
1899 install hurricane shutters, impact glass, code-compliant windows  
1900 or doors, or other types of code-compliant hurricane protection  
1901 that complies ~~comply~~ with or exceeds ~~exceed~~ the applicable  
1902 building code. A vote of the unit owners to require the  
1903 installation of hurricane protection must be set forth in a  
1904 certificate attesting to such vote and include the date that the  
1905 hurricane protection must be installed. The board must record  
1906 the certificate in the public records of the county where the  
1907 condominium is located. The certificate must include the  
1908 recording data identifying the declaration of condominium and  
1909 must be executed in the form required for the execution of a  
1910 deed. Once the certificate is recorded, the board must mail or  
1911 hand deliver a copy of the recorded certificate to the unit  
1912 owners at the owners' addresses, as reflected in the records of  
1913 the association. The board may provide a copy of the recorded  
1914 certificate by electronic transmission to unit owners who

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1915 previously consented to receive notice by electronic  
1916 transmission. The failure to record the certificate or send a  
1917 copy of the recorded certificate to the unit owners does not  
1918 affect the validity or enforceability of the vote of the unit  
1919 owners. However, A vote of the unit owners under this paragraph  
1920 is not required if the installation, maintenance, repair, and  
1921 replacement of the hurricane shutters, impact glass, code-  
1922 compliant windows or doors, or other types of code-compliant  
1923 hurricane protection, or any exterior windows, doors, or other  
1924 apertures protected by the hurricane protection, is are the  
1925 responsibility of the association pursuant to the declaration of  
1926 condominium as originally recorded or as amended, or if the unit  
1927 owners are required to install hurricane protection pursuant to  
1928 the declaration of condominium as originally recorded or as  
1929 amended. If hurricane protection or laminated glass or window  
1930 film architecturally designed to function as hurricane  
1931 protection that complies with or exceeds the current applicable  
1932 building code has been previously installed, the board may not  
1933 install the same type of hurricane shutters, impact glass, code-  
1934 compliant windows or doors, or other types of code-compliant  
1935 hurricane protection or require that unit owners install the  
1936 same type of hurricane protection unless the installed hurricane  
1937 protection has reached the end of its useful life or unless it  
1938 is necessary to prevent damage to the common elements or to a  
1939 unit except upon approval by a majority vote of the voting  
1940 interests.

1941 ~~(b) The association is responsible for the maintenance,~~  
1942 ~~repair, and replacement of the hurricane shutters, impact glass,~~  
1943 ~~code-compliant windows or doors, or other types of code-~~

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1944 ~~compliant hurricane protection authorized by this subsection if~~  
1945 ~~such property is the responsibility of the association pursuant~~  
1946 ~~to the declaration of condominium. If the hurricane shutters,~~  
1947 ~~impact glass, code-compliant windows or doors, or other types of~~  
1948 ~~code-compliant hurricane protection are the responsibility of~~  
1949 ~~the unit owners pursuant to the declaration of condominium, the~~  
1950 ~~maintenance, repair, and replacement of such items are the~~  
1951 ~~responsibility of the unit owner.~~

1952 ~~(b)(e)~~ The board may operate shutters, ~~impact glass, code-~~  
1953 ~~compliant windows or doors, or other types of code-compliant~~  
1954 ~~hurricane protection installed pursuant to this subsection~~  
1955 ~~without permission of the unit owners only if such operation is~~  
1956 ~~necessary to preserve and protect the condominium property or~~  
1957 ~~and association property. The installation, replacement,~~  
1958 ~~operation, repair, and maintenance of such shutters, impact~~  
1959 ~~glass, code-compliant windows or doors, or other types of code-~~  
1960 ~~compliant hurricane protection in accordance with the procedures~~  
1961 ~~set forth in this paragraph are not a material alteration to the~~  
1962 ~~common elements or association property within the meaning of~~  
1963 ~~this section.~~

1964 ~~(c)(d)~~ Notwithstanding any other provision in the  
1965 residential condominium or mixed-use condominium documents, if  
1966 approval is required by the documents, a board may not refuse to  
1967 approve the installation or replacement of ~~hurricane shutters,~~  
1968 ~~impact glass, code-compliant windows or doors, or other types of~~  
1969 ~~code-compliant~~ hurricane protection by a unit owner which  
1970 conforms ~~conforming~~ to the specifications adopted by the board.  
1971 However, a board may require the unit owner to adhere to an  
1972 existing unified building scheme regarding the external

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1973 appearance of the condominium.

1974 (d) Unless otherwise provided in a declaration of  
1975 condominium recorded in the public record before July 1, 2024, a  
1976 unit owner is not responsible for the cost of any removal or  
1977 reinstallation of hurricane protection, and any exterior window,  
1978 door, or other aperture protected by the hurricane protection,  
1979 if its removal is necessary for the maintenance, repair, or  
1980 replacement of other condominium property or association  
1981 property for which the association is responsible. The board  
1982 shall determine if the removal or reinstallation of hurricane  
1983 protection must be completed by the unit owner or the  
1984 association. If such removal or reinstallation is completed by  
1985 the association, the costs incurred by the association may not  
1986 be charged to the unit owner. If such removal or reinstallation  
1987 is completed by the unit owner, the association must reimburse  
1988 the unit owner for the cost of the removal or reinstallation or  
1989 the association must apply the unit owner's cost of removal or  
1990 reinstallation as a credit toward future assessments.

1991 (e) If the removal or installation of hurricane protection  
1992 or of any exterior windows, doors, or other apertures protected  
1993 by the hurricane protection are the responsibility of the unit  
1994 owner, such removal or installation is completed by the  
1995 association, and the association then charges the unit owner for  
1996 such removal or installation, such charges are enforceable as an  
1997 assessment and may be collected in the manner provided under s.  
1998 718.116.

1999 Section 12. Paragraph (e) of subsection (1) of section  
2000 718.115, Florida Statutes, is amended to read:

2001 718.115 Common expenses and common surplus.—

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(1)

(e) 1. Except as provided in s. 718.113(5)(d) The expense of installation, replacement, operation, repair, and maintenance of hurricane shutters, impact glass, code-compliant windows or doors, or other types of code-compliant hurricane protection by the board pursuant to s. 718.113(5) constitutes a common expense and shall be collected as provided in this section if the association is responsible for the maintenance, repair, and replacement of the hurricane shutters, impact glass, code-compliant windows or doors, or other types of code-compliant hurricane protection pursuant to the declaration of condominium. However, if the installation of maintenance, repair, and replacement of the hurricane shutters, impact glass, code-compliant windows or doors, or other types of code-compliant hurricane protection is are the responsibility of the unit owners pursuant to the declaration of condominium or a vote of the unit owners under s. 718.113(5), the cost of the installation of the hurricane shutters, impact glass, code-compliant windows or doors, or other types of code-compliant hurricane protection by the association is not a common expense and must shall be charged individually to the unit owners based on the cost of installation of the hurricane shutters, impact glass, code-compliant windows or doors, or other types of code-compliant hurricane protection appurtenant to the unit. The costs of installation of hurricane protection are enforceable as an assessment and may be collected in the manner provided under s. 718.116.

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

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2031 to install, maintain, repair, or replace hurricane shutters,  
2032 ~~impact glass, code-compliant windows or doors, or other types of~~  
2033 ~~code-compliant~~ hurricane protection, the a-unit owner of a unit  
2034 where who has previously installed hurricane shutters in  
2035 ~~accordance with s. 718.113(5) that comply with the current~~  
2036 ~~applicable building code shall receive a credit when the~~  
2037 ~~shutters are installed; a unit owner who has previously~~  
2038 ~~installed impact glass or code-compliant windows or doors that~~  
2039 ~~comply with the current applicable building code shall receive a~~  
2040 ~~credit when the impact glass or code-compliant windows or doors~~  
2041 ~~are installed; and a unit owner who has installed other types of~~  
2042 ~~code-compliant~~ hurricane protection that complies ~~comply~~ with  
2043 the current applicable building code has been installed is  
2044 excused from any assessment levied by the association or shall  
2045 receive a credit if when the same type of other code-compliant  
2046 hurricane protection is installed by the association, ~~and the~~  
2047 ~~credit shall be equal to the pro rata portion of the assessed~~  
2048 installation cost assigned to each unit. A credit is applicable  
2049 if the installation of hurricane protection is for all other  
2050 units that do not have hurricane protection and the cost of such  
2051 installation is funded by the association's budget, including  
2052 the use of reserve funds. The credit must be equal to the amount  
2053 that the unit owner would have been assessed to install the  
2054 hurricane protection. However, such unit owner remains  
2055 responsible for the pro rata share of expenses for hurricane  
2056 ~~shutters, impact glass, code-compliant windows or doors, or~~  
2057 ~~other types of code-compliant~~ hurricane protection installed on  
2058 common elements and association property by the board pursuant  
2059 to s. 718.113(5) and remains responsible for a pro rata share of

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2060 the expense of the replacement, operation, repair, and  
2061 maintenance of such ~~shutters, impact glass, code-compliant~~  
2062 ~~windows or doors, or other types of code-compliant~~ hurricane  
2063 protection. Expenses for the installation, replacement,  
2064 operation, repair, or maintenance of hurricane protection on  
2065 common elements and association property are common expenses.

2066 Section 13. Paragraph (a) of subsection (4) of section  
2067 718.121, Florida Statutes, is amended to read:

2068 718.121 Liens.—

2069 (4) (a) If an association sends out an invoice for  
2070 assessments or a unit's statement of the account described in s.  
2071 718.111(12)(a)11.c. ~~s. 718.111(12)(a)11.b.~~, the invoice for  
2072 assessments or the unit's statement of account must be delivered  
2073 to the unit owner by first-class United States mail or by  
2074 electronic transmission to the unit owner's e-mail address  
2075 maintained in the association's official records.

2076 Section 14. Section 718.1224, Florida Statutes, is amended  
2077 to read:

2078 718.1224 Prohibition against SLAPP suits; other prohibited  
2079 actions.—

2080 (1) It is the intent of the Legislature to protect the  
2081 right of condominium unit owners to exercise their rights to  
2082 instruct their representatives and petition for redress of  
2083 grievances before their condominium association and the various  
2084 governmental entities of this state as protected by the First  
2085 Amendment to the United States Constitution and s. 5, Art. I of  
2086 the State Constitution. The Legislature recognizes that  
2087 strategic lawsuits against public participation, or "SLAPP  
2088 suits," as they are typically referred to, have occurred when



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2089 association members are sued by condominium associations,  
2090 individuals, business entities, or governmental entities arising  
2091 out of a condominium unit owner's appearance and presentation  
2092 before the board of the condominium association or a  
2093 governmental entity on matters related to the condominium  
2094 association. However, it is the public policy of this state that  
2095 condominium associations, governmental entities, business  
2096 organizations, and individuals not engage in SLAPP suits,  
2097 because such actions are inconsistent with the right of  
2098 condominium unit owners to participate in their condominium  
2099 association and in the state's institutions of government.  
2100 Therefore, the Legislature finds and declares that prohibiting  
2101 such lawsuits by condominium associations, governmental  
2102 entities, business entities, and individuals against condominium  
2103 unit owners who address matters concerning their condominium  
2104 association will preserve this fundamental state policy,  
2105 preserve the constitutional rights of condominium unit owners,  
2106 ~~and~~ ensure the continuation of representative government in this  
2107 state, and ensure unit owner participation in condominium  
2108 associations. It is the intent of the Legislature that such  
2109 lawsuits be expeditiously disposed of by the courts. As used in  
2110 this subsection, the term "governmental entity" means the state,  
2111 including the executive, legislative, and judicial branches of  
2112 government; law enforcement agencies; the independent  
2113 establishments of the state, counties, municipalities,  
2114 districts, authorities, boards, or commissions; or any agencies  
2115 of these branches that are subject to chapter 286.

2116 (2) A condominium association, a governmental entity, a  
2117 business organization, or an individual in this state may not

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2118 file or cause to be filed through its employees or agents any  
2119 lawsuit, cause of action, claim, cross-claim, or counterclaim  
2120 against a condominium unit owner without merit and solely  
2121 because such condominium unit owner has exercised the right to  
2122 instruct his or her representatives or the right to petition for  
2123 redress of grievances before the condominium association or the  
2124 various governmental entities of this state, as protected by the  
2125 First Amendment to the United States Constitution and s. 5, Art.  
2126 I of the State Constitution.

2127 (3) A condominium association may not fine,  
2128 discriminatorily increase a unit owner's assessments or  
2129 discriminatorily decrease services to a unit owner, or bring or  
2130 threaten to bring an action for possession or other civil  
2131 action, including a defamation, libel, slander, or tortious  
2132 interference action, based on conduct described in paragraphs  
2133 (a)-(f). In order for the unit owner to raise the defense of  
2134 retaliatory conduct, the unit owner must have acted in good  
2135 faith and not for any improper purposes, such as to harass or to  
2136 cause unnecessary delay or for frivolous purpose or needless  
2137 increase in the cost of litigation. Examples of conduct for  
2138 which a condominium association, officer, director, or agent of  
2139 an association may not retaliate include, but are not limited  
2140 to, situations where:

2141 (a) The unit owner has in good faith complained to a  
2142 governmental agency charged with responsibility for enforcement  
2143 of a building, housing, or health code of a suspected violation  
2144 applicable to the condominium;

2145 (b) The unit owner has organized, encouraged, or  
2146 participated in a unit owners' organization;

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2147       (c) The unit owner submitted information or filed a  
2148 complaint alleging criminal violations or violations of this  
2149 chapter or the rules of the division with the division, the  
2150 Office of the Condominium Ombudsman, a law enforcement agency, a  
2151 state attorney, the Attorney General, or any other governmental  
2152 agency;

2153       (d) The unit owner has exercised his or her rights under  
2154 this chapter;

2155       (e) The unit owner has complained to the association or any  
2156 of its representatives for their failure to comply with this  
2157 chapter or chapter 617; or

2158       (f) The unit owner has made public statements critical of  
2159 the operation or management of the association.

2160       (4) Evidence of retaliatory conduct may be raised by the  
2161 unit owner as a defense in any action brought against him or her  
2162 for possession.

2163       (5) A condominium unit owner sued by a condominium  
2164 association, governmental entity, business organization, or  
2165 individual in violation of this section has a right to an  
2166 expeditious resolution of a claim that the suit is in violation  
2167 of this section. A condominium unit owner may petition the court  
2168 for an order dismissing the action or granting final judgment in  
2169 favor of that condominium unit owner. The petitioner may file a  
2170 motion for summary judgment, together with supplemental  
2171 affidavits, seeking a determination that the condominium  
2172 association's, governmental entity's, business organization's,  
2173 or individual's lawsuit has been brought in violation of this  
2174 section. The condominium association, governmental entity,  
2175 business organization, or individual shall thereafter file its

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2176 response and any supplemental affidavits. As soon as  
2177 practicable, the court shall set a hearing on the petitioner's  
2178 motion, which shall be held at the earliest possible time after  
2179 the filing of the condominium association's, governmental  
2180 entity's, business organization's, or individual's response. The  
2181 court may award the condominium unit owner sued by the  
2182 condominium association, governmental entity, business  
2183 organization, or individual actual damages arising from the  
2184 condominium association's, governmental entity's, individual's,  
2185 or business organization's violation of this section. A court  
2186 may treble the damages awarded to a prevailing condominium unit  
2187 owner and shall state the basis for the treble damages award in  
2188 its judgment. The court shall award the prevailing party  
2189 reasonable attorney's fees and costs incurred in connection with  
2190 a claim that an action was filed in violation of this section.

2191 (6)-(4) Condominium associations may not expend association  
2192 funds in prosecuting a SLAPP suit against a condominium unit  
2193 owner.

2194 (7) Condominium associations may not expend association  
2195 funds in support of a defamation, libel, slander, or tortious  
2196 interference action against a unit owner or any other claim  
2197 against a unit owner based on conduct described in paragraphs  
2198 (3) (a) - (f).

2199 Section 15. Section 718.128, Florida Statutes, is amended  
2200 to read:

2201 718.128 Electronic voting.—The association may conduct  
2202 elections and other unit owner votes through an Internet-based  
2203 online voting system if a unit owner consents, electronically or  
2204 in writing, to online voting and if the following requirements

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2205 are met:

2206 (1) The association provides each unit owner with:

2207 (a) A method to authenticate the unit owner's identity to  
2208 the online voting system.

2209 (b) For elections of the board, a method to transmit an  
2210 electronic ballot to the online voting system that ensures the  
2211 secrecy and integrity of each ballot.

2212 (c) A method to confirm, at least 14 days before the voting  
2213 deadline, that the unit owner's electronic device can  
2214 successfully communicate with the online voting system.

2215 (2) The association uses an online voting system that is:

2216 (a) Able to authenticate the unit owner's identity.

2217 (b) Able to authenticate the validity of each electronic  
2218 vote to ensure that the vote is not altered in transit.

2219 (c) Able to transmit a receipt from the online voting  
2220 system to each unit owner who casts an electronic vote.

2221 (d) For elections of the board of administration, able to  
2222 permanently separate any authentication or identifying  
2223 information from the electronic election ballot, rendering it  
2224 impossible to tie an election ballot to a specific unit owner.

2225 (e) Able to store and keep electronic votes accessible to  
2226 election officials for recount, inspection, and review purposes.

2227 (3) A unit owner voting electronically pursuant to this  
2228 section shall be counted as being in attendance at the meeting  
2229 for purposes of determining a quorum. A substantive vote of the  
2230 unit owners may not be taken on any issue other than the issues  
2231 specifically identified in the electronic vote, when a quorum is  
2232 established based on unit owners voting electronically pursuant  
2233 to this section.

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2234 (4) This section applies to an association that provides  
2235 for and authorizes an online voting system pursuant to this  
2236 section by a board resolution. The board resolution must provide  
2237 that unit owners receive notice of the opportunity to vote  
2238 through an online voting system, must establish reasonable  
2239 procedures and deadlines for unit owners to consent,  
2240 electronically or in writing, to online voting, and must  
2241 establish reasonable procedures and deadlines for unit owners to  
2242 opt out of online voting after giving consent. Written notice of  
2243 a meeting at which the resolution will be considered must be  
2244 mailed, delivered, or electronically transmitted to the unit  
2245 owners and posted conspicuously on the condominium property or  
2246 association property at least 14 days before the meeting.  
2247 Evidence of compliance with the 14-day notice requirement must  
2248 be made by an affidavit executed by the person providing the  
2249 notice and filed with the official records of the association.

2250 (5) A unit owner's consent to online voting is valid until  
2251 the unit owner opts out of online voting according to the  
2252 procedures established by the board of administration pursuant  
2253 to subsection (4).

2254 (6) This section may apply to any matter that requires a  
2255 vote of the unit owners who are not members of a timeshare  
2256 condominium association.

2257 Section 16. Paragraph (p) of subsection (4) of section  
2258 718.301, Florida Statutes, is amended to read:

2259 718.301 Transfer of association control; claims of defect  
2260 by association.—

2261 (4) At the time that unit owners other than the developer  
2262 elect a majority of the members of the board of administration

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2263 of an association, the developer shall relinquish control of the  
2264 association, and the unit owners shall accept control.  
2265 Simultaneously, or for the purposes of paragraph (c) not more  
2266 than 90 days thereafter, the developer shall deliver to the  
2267 association, at the developer's expense, all property of the  
2268 unit owners and of the association which is held or controlled  
2269 by the developer, including, but not limited to, the following  
2270 items, if applicable, as to each condominium operated by the  
2271 association:

2272 (p) Notwithstanding when the certificate of occupancy was  
2273 issued or the height of the building, a turnover inspection  
2274 report included in the official records, under seal of an  
2275 architect or engineer authorized to practice in this state or a  
2276 person certified as a reserve specialist or professional reserve  
2277 analyst by the Community Associations Institute or the  
2278 Association of Professional Reserve Analysts, and consisting of  
2279 a structural integrity reserve study attesting to required  
2280 maintenance, condition, useful life, and replacement costs of  
2281 the following applicable condominium property:

- 2282 1. Roof.
- 2283 2. Structure, including load-bearing walls and primary  
2284 structural members and primary structural systems as those terms  
2285 are defined in s. 627.706.
- 2286 3. Fireproofing and fire protection systems.
- 2287 4. Plumbing.
- 2288 5. Electrical systems.
- 2289 6. Waterproofing and exterior painting.
- 2290 7. Windows and exterior doors.
- 2291 Section 17. Subsections (4) and (5) of section 718.3027,

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2292 Florida Statutes, are amended to read:

2293 718.3027 Conflicts of interest.—

2294 (4) A director or an officer, or a relative of a director  
2295 or an officer, who is a party to, or has an interest in, an  
2296 activity that is a possible conflict of interest, as described  
2297 in subsection (1), may attend the meeting at which the activity  
2298 is considered by the board and is authorized to make a  
2299 presentation to the board regarding the activity. After the  
2300 presentation, the director or officer, and any ~~or the~~ relative  
2301 of the director or officer, must leave the meeting during the  
2302 discussion of, and the vote on, the activity. A director or an  
2303 officer who is a party to, or has an interest in, the activity  
2304 must recuse himself or herself from the vote. The attendance of  
2305 a director with a possible conflict of interest at the meeting  
2306 of the board is sufficient to constitute a quorum for the  
2307 meeting and the vote in his or her absence on the proposed  
2308 activity.

2309 (5) A contract entered into between a director or an  
2310 officer, or a relative of a director or an officer, and the  
2311 association, which is not a timeshare condominium association,  
2312 that has not been properly disclosed as a conflict of interest  
2313 or potential conflict of interest as required by this section or  
2314 s. 617.0832 ~~s. 718.111(12)(g)~~ is voidable and terminates upon  
2315 the filing of a written notice terminating the contract with the  
2316 board of directors which contains the consent of at least 20  
2317 percent of the voting interests of the association.

2318 Section 18. Subsection (5) of section 718.303, Florida  
2319 Statutes, is amended to read:

2320 718.303 Obligations of owners and occupants; remedies.—



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2321 (5) An association may suspend the voting rights of a unit  
2322 owner or member due to nonpayment of any fee, fine, or other  
2323 monetary obligation due to the association which is more than  
2324 \$1,000 and more than 90 days delinquent. Proof of such  
2325 obligation must be provided to the unit owner or member 30 days  
2326 before such suspension takes effect. Notice of such obligation  
2327 must also be provided to the unit owner at least 90 days before  
2328 an election. A voting interest or consent right allocated to a  
2329 unit owner or member which has been suspended by the association  
2330 shall be subtracted from the total number of voting interests in  
2331 the association, which shall be reduced by the number of  
2332 suspended voting interests when calculating the total percentage  
2333 or number of all voting interests available to take or approve  
2334 any action, and the suspended voting interests shall not be  
2335 considered for any purpose, including, but not limited to, the  
2336 percentage or number of voting interests necessary to constitute  
2337 a quorum, the percentage or number of voting interests required  
2338 to conduct an election, or the percentage or number of voting  
2339 interests required to approve an action under this chapter or  
2340 pursuant to the declaration, articles of incorporation, or  
2341 bylaws. The suspension ends upon full payment of all obligations  
2342 currently due or overdue the association. The notice and hearing  
2343 requirements under subsection (3) do not apply to a suspension  
2344 imposed under this subsection.

2345 Section 19. Subsections (1) and (2) of section 718.501,  
2346 Florida Statutes, are amended to read:

2347 718.501 Authority, responsibility, and duties of Division  
2348 of Florida Condominiums, Timeshares, and Mobile Homes.—

2349 (1) The division may enforce and ensure compliance with

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2350 this chapter and rules relating to the development,  
2351 construction, sale, lease, ownership, operation, and management  
2352 of residential condominium units and complaints related to the  
2353 procedural completion of milestone inspections under s. 553.899.  
2354 In performing its duties, the division has complete jurisdiction  
2355 to investigate complaints and enforce compliance with respect to  
2356 associations that are still under developer control or the  
2357 control of a bulk assignee or bulk buyer pursuant to part VII of  
2358 this chapter and complaints against developers, bulk assignees,  
2359 or bulk buyers involving improper turnover or failure to  
2360 turnover, pursuant to s. 718.301. However, after turnover has  
2361 occurred, the division has jurisdiction to investigate  
2362 complaints related only to financial issues, elections, and the  
2363 maintenance of and unit owner access to association records  
2364 under s. 718.111(12), allegations of criminal violations under  
2365 this chapter, the removal of a director or an officer under s.  
2366 718.112(2)(g), and the procedural completion of structural  
2367 integrity reserve studies under s. 718.112(2)(g).

2368 (a)1. The division may make necessary public or private  
2369 investigations within or outside this state to determine whether  
2370 any person has violated this chapter or any rule or order  
2371 hereunder, to aid in the enforcement of this chapter, or to aid  
2372 in the adoption of rules or forms.

2373 2. The division may submit any official written report,  
2374 worksheet, or other related paper, or a duly certified copy  
2375 thereof, compiled, prepared, drafted, or otherwise made by and  
2376 duly authenticated by a financial examiner or analyst to be  
2377 admitted as competent evidence in any hearing in which the  
2378 financial examiner or analyst is available for cross-examination

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2379 and attests under oath that such documents were prepared as a  
2380 result of an examination or inspection conducted pursuant to  
2381 this chapter.

2382 (b) The division may require or permit any person to file a  
2383 statement in writing, under oath or otherwise, as the division  
2384 determines, as to the facts and circumstances concerning a  
2385 matter to be investigated.

2386 (c) For the purpose of any investigation under this  
2387 chapter, the division director or any officer or employee  
2388 designated by the division director may administer oaths or  
2389 affirmations, subpoena witnesses and compel their attendance,  
2390 take evidence, and require the production of any matter which is  
2391 relevant to the investigation, including the existence,  
2392 description, nature, custody, condition, and location of any  
2393 books, documents, or other tangible things and the identity and  
2394 location of persons having knowledge of relevant facts or any  
2395 other matter reasonably calculated to lead to the discovery of  
2396 material evidence. Upon the failure by a person to obey a  
2397 subpoena or to answer questions propounded by the investigating  
2398 officer and upon reasonable notice to all affected persons, the  
2399 division may apply to the circuit court for an order compelling  
2400 compliance.

2401 (d) Notwithstanding any remedies available to unit owners  
2402 and associations, if the division has reasonable cause to  
2403 believe that a violation of any provision of this chapter or  
2404 related rule has occurred, the division may institute  
2405 enforcement proceedings in its own name against any developer,  
2406 bulk assignee, bulk buyer, association, officer, or member of  
2407 the board of administration, or its assignees or agents, as

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2408 follows:

2409 1. The division may permit a person whose conduct or  
2410 actions may be under investigation to waive formal proceedings  
2411 and enter into a consent proceeding whereby orders, rules, or  
2412 letters of censure or warning, whether formal or informal, may  
2413 be entered against the person.

2414 2. The division may issue an order requiring the developer,  
2415 bulk assignee, bulk buyer, association, developer-designated  
2416 officer, or developer-designated member of the board of  
2417 administration, developer-designated assignees or agents, bulk  
2418 assignee-designated assignees or agents, bulk buyer-designated  
2419 assignees or agents, community association manager, or community  
2420 association management firm to cease and desist from the  
2421 unlawful practice and take such affirmative action as in the  
2422 judgment of the division carry out the purposes of this chapter.  
2423 If the division finds that a developer, bulk assignee, bulk  
2424 buyer, association, officer, or member of the board of  
2425 administration, or its assignees or agents, is violating or is  
2426 about to violate any provision of this chapter, any rule adopted  
2427 or order issued by the division, or any written agreement  
2428 entered into with the division, and presents an immediate danger  
2429 to the public requiring an immediate final order, it may issue  
2430 an emergency cease and desist order reciting with particularity  
2431 the facts underlying such findings. The emergency cease and  
2432 desist order is effective for 90 days. If the division begins  
2433 nonemergency cease and desist proceedings, the emergency cease  
2434 and desist order remains effective until the conclusion of the  
2435 proceedings under ss. 120.569 and 120.57.

2436 3. If a developer, bulk assignee, or bulk buyer fails to

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2437 pay any restitution determined by the division to be owed, plus  
2438 any accrued interest at the highest rate permitted by law,  
2439 within 30 days after expiration of any appellate time period of  
2440 a final order requiring payment of restitution or the conclusion  
2441 of any appeal thereof, whichever is later, the division must  
2442 bring an action in circuit or county court on behalf of any  
2443 association, class of unit owners, lessees, or purchasers for  
2444 restitution, declaratory relief, injunctive relief, or any other  
2445 available remedy. The division may also temporarily revoke its  
2446 acceptance of the filing for the developer to which the  
2447 restitution relates until payment of restitution is made.

2448 4. The division may petition the court for appointment of a  
2449 receiver or conservator. If appointed, the receiver or  
2450 conservator may take action to implement the court order to  
2451 ensure the performance of the order and to remedy any breach  
2452 thereof. In addition to all other means provided by law for the  
2453 enforcement of an injunction or temporary restraining order, the  
2454 circuit court may impound or sequester the property of a party  
2455 defendant, including books, papers, documents, and related  
2456 records, and allow the examination and use of the property by  
2457 the division and a court-appointed receiver or conservator.

2458 5. The division may apply to the circuit court for an order  
2459 of restitution whereby the defendant in an action brought under  
2460 subparagraph 4. is ordered to make restitution of those sums  
2461 shown by the division to have been obtained by the defendant in  
2462 violation of this chapter. At the option of the court, such  
2463 restitution is payable to the conservator or receiver appointed  
2464 under subparagraph 4. or directly to the persons whose funds or  
2465 assets were obtained in violation of this chapter.

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2466           6. The division may impose a civil penalty against a  
2467 developer, bulk assignee, or bulk buyer, or association, or its  
2468 assignee or agent, for any violation of this chapter, or related  
2469 rule, or chapter 617. The division may impose a civil penalty  
2470 individually against an officer or board member who willfully  
2471 and knowingly violates this chapter, an adopted rule, or a final  
2472 order of the division; may order the removal of such individual  
2473 as an officer or from the board of administration or as an  
2474 officer of the association; and may prohibit such individual  
2475 from serving as an officer or on the board of a community  
2476 association for a period of time. The term "willfully and  
2477 knowingly" means that the division informed the officer or board  
2478 member that his or her action or intended action violates this  
2479 chapter, a rule adopted under this chapter, or a final order of  
2480 the division and that the officer or board member refused to  
2481 comply with the requirements of this chapter, a rule adopted  
2482 under this chapter, or a final order of the division. The  
2483 division, before initiating formal agency action under chapter  
2484 120, must afford the officer or board member an opportunity to  
2485 voluntarily comply, and an officer or board member who complies  
2486 within 10 days is not subject to a civil penalty. A penalty may  
2487 be imposed on the basis of each day of continuing violation, but  
2488 the penalty for any offense may not exceed \$5,000. The division  
2489 shall adopt, by rule, penalty guidelines applicable to possible  
2490 violations or to categories of violations of this chapter or  
2491 rules adopted by the division. The guidelines must specify a  
2492 meaningful range of civil penalties for each such violation of  
2493 the statute and rules and must be based upon the harm caused by  
2494 the violation, upon the repetition of the violation, and upon

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2495 such other factors deemed relevant by the division. For example,  
2496 the division may consider whether the violations were committed  
2497 by a developer, bulk assignee, or bulk buyer, or owner-  
2498 controlled association, the size of the association, and other  
2499 factors. The guidelines must designate the possible mitigating  
2500 or aggravating circumstances that justify a departure from the  
2501 range of penalties provided by the rules. It is the legislative  
2502 intent that minor violations be distinguished from those which  
2503 endanger the health, safety, or welfare of the condominium  
2504 residents or other persons and that such guidelines provide  
2505 reasonable and meaningful notice to the public of likely  
2506 penalties that may be imposed for proscribed conduct. This  
2507 subsection does not limit the ability of the division to  
2508 informally dispose of administrative actions or complaints by  
2509 stipulation, agreed settlement, or consent order. All amounts  
2510 collected shall be deposited with the Chief Financial Officer to  
2511 the credit of the Division of Florida Condominiums, Timeshares,  
2512 and Mobile Homes Trust Fund. If a developer, bulk assignee, or  
2513 bulk buyer fails to pay the civil penalty and the amount deemed  
2514 to be owed to the association, the division shall issue an order  
2515 directing that such developer, bulk assignee, or bulk buyer  
2516 cease and desist from further operation until such time as the  
2517 civil penalty is paid or may pursue enforcement of the penalty  
2518 in a court of competent jurisdiction. If an association fails to  
2519 pay the civil penalty, the division shall pursue enforcement in  
2520 a court of competent jurisdiction, and the order imposing the  
2521 civil penalty or the cease and desist order is not effective  
2522 until 20 days after the date of such order. Any action commenced  
2523 by the division shall be brought in the county in which the

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2524 division has its executive offices or in the county where the  
2525 violation occurred.

2526 7. If a unit owner presents the division with proof that  
2527 the unit owner has requested access to official records in  
2528 writing by certified mail, and that after 10 days the unit owner  
2529 again made the same request for access to official records in  
2530 writing by certified mail, and that more than 10 days has  
2531 elapsed since the second request and the association has still  
2532 failed or refused to provide access to official records as  
2533 required by this chapter, the division shall issue a subpoena  
2534 requiring production of the requested records where the records  
2535 are kept pursuant to s. 718.112. Upon receipt of the records,  
2536 the division shall provide without charge the produced official  
2537 records to the unit owner who was denied access to such records.

2538 8. In addition to subparagraph 6., the division may seek  
2539 the imposition of a civil penalty through the circuit court for  
2540 any violation for which the division may issue a notice to show  
2541 cause under paragraph (s) ~~(r)~~. The civil penalty shall be at  
2542 least \$500 but no more than \$5,000 for each violation. The court  
2543 may also award to the prevailing party court costs and  
2544 reasonable attorney fees and, if the division prevails, may also  
2545 award reasonable costs of investigation.

2546 (e) The division may prepare and disseminate a prospectus  
2547 and other information to assist prospective owners, purchasers,  
2548 lessees, and developers of residential condominiums in assessing  
2549 the rights, privileges, and duties pertaining thereto.

2550 (f) The division may adopt rules to administer and enforce  
2551 this chapter.

2552 (g) The division shall establish procedures for providing



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2553 notice to an association and the developer, bulk assignee, or  
2554 bulk buyer during the period in which the developer, bulk  
2555 assignee, or bulk buyer controls the association if the division  
2556 is considering the issuance of a declaratory statement with  
2557 respect to the declaration of condominium or any related  
2558 document governing such condominium community.

2559 (h) The division shall furnish each association that pays  
2560 the fees required by paragraph (2) (a) a copy of this chapter, as  
2561 amended, and the rules adopted thereto on an annual basis.

2562 (i) The division shall annually provide each association  
2563 with a summary of declaratory statements and formal legal  
2564 opinions relating to the operations of condominiums which were  
2565 rendered by the division during the previous year.

2566 (j) The division shall provide training and educational  
2567 programs for condominium association board members and unit  
2568 owners. The training may, in the division's discretion, include  
2569 web-based electronic media and live training and seminars in  
2570 various locations throughout the state. The division may review  
2571 and approve education and training programs for board members  
2572 and unit owners offered by providers and shall maintain a  
2573 current list of approved programs and providers and make such  
2574 list available to board members and unit owners in a reasonable  
2575 and cost-effective manner. The division shall adopt by rule the  
2576 educational curriculum required under s. 718.112(2)(d) for its  
2577 approval of condominium education providers.

2578 (k) The division shall maintain a toll-free telephone  
2579 number accessible to condominium unit owners.

2580 (l) The division shall develop a program to certify both  
2581 volunteer and paid mediators to provide mediation of condominium

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2582 disputes. The division shall provide, upon request, a list of  
2583 such mediators to any association, unit owner, or other  
2584 participant in alternative dispute resolution proceedings under  
2585 s. 718.1255 requesting a copy of the list. The division shall  
2586 include on the list of volunteer mediators only the names of  
2587 persons who have received at least 20 hours of training in  
2588 mediation techniques or who have mediated at least 20 disputes.  
2589 In order to become initially certified by the division, paid  
2590 mediators must be certified by the Supreme Court to mediate  
2591 court cases in county or circuit courts. However, the division  
2592 may adopt, by rule, additional factors for the certification of  
2593 paid mediators, which must be related to experience, education,  
2594 or background. Any person initially certified as a paid mediator  
2595 by the division must, in order to continue to be certified,  
2596 comply with the factors or requirements adopted by rule.

2597 (m) If a complaint is made, the division must conduct its  
2598 inquiry with due regard for the interests of the affected  
2599 parties. Within 30 days after receipt of a complaint, the  
2600 division shall acknowledge the complaint in writing and notify  
2601 the complainant whether the complaint is within the jurisdiction  
2602 of the division and whether additional information is needed by  
2603 the division from the complainant. The division shall conduct  
2604 its investigation and, within 90 days after receipt of the  
2605 original complaint or of timely requested additional  
2606 information, take action upon the complaint. However, the  
2607 failure to complete the investigation within 90 days does not  
2608 prevent the division from continuing the investigation,  
2609 accepting or considering evidence obtained or received after 90  
2610 days, or taking administrative action if reasonable cause exists

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2611 to believe that a violation of this chapter or a rule has  
2612 occurred. If an investigation is not completed within the time  
2613 limits established in this paragraph, the division shall, on a  
2614 monthly basis, notify the complainant in writing of the status  
2615 of the investigation. When reporting its action to the  
2616 complainant, the division shall inform the complainant of any  
2617 right to a hearing under ss. 120.569 and 120.57. The division  
2618 may adopt rules regarding the submission of a complaint against  
2619 an association.

2620 (n) Condominium association directors, officers, and  
2621 employees; condominium developers; bulk assignees, bulk buyers,  
2622 and community association managers; and community association  
2623 management firms have an ongoing duty to reasonably cooperate  
2624 with the division in any investigation under this section. The  
2625 division shall refer to local law enforcement authorities any  
2626 person whom the division believes has altered, destroyed,  
2627 concealed, or removed any record, document, or thing required to  
2628 be kept or maintained by this chapter with the purpose to impair  
2629 its verity or availability in the department's investigation.  
2630 The division shall refer to local law enforcement authorities  
2631 any person whom the division believes has engaged in fraud,  
2632 theft, embezzlement, or other criminal activity or when the  
2633 division has cause to believe that fraud, theft, embezzlement,  
2634 or other criminal activity has occurred.

2635 (o) The division director or any officer or employee of the  
2636 division, and the condominium ombudsman or an employee of the  
2637 Office of the Condominium Ombudsman, may attend and observe any  
2638 meeting of the board of administration or unit owner meeting,  
2639 including any meeting of a subcommittee or special committee,

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2640 that is open to members of the association for the purpose of  
2641 performing the duties of the division or the Office of the  
2642 Condominium Ombudsman under this chapter.

2643 (p) The division may:

- 2644 1. Contract with agencies in this state or other  
2645 jurisdictions to perform investigative functions; or  
2646 2. Accept grants-in-aid from any source.

2647 (q)~~(p)~~ The division shall cooperate with similar agencies  
2648 in other jurisdictions to establish uniform filing procedures  
2649 and forms, public offering statements, advertising standards,  
2650 and rules and common administrative practices.

2651 (r)~~(q)~~ The division shall consider notice to a developer,  
2652 bulk assignee, or bulk buyer to be complete when it is delivered  
2653 to the address of the developer, bulk assignee, or bulk buyer  
2654 currently on file with the division.

2655 (s)~~(r)~~ In addition to its enforcement authority, the  
2656 division may issue a notice to show cause, which must provide  
2657 for a hearing, upon written request, in accordance with chapter  
2658 120.

2659 (t)~~(s)~~ The division shall submit to the Governor, the  
2660 President of the Senate, the Speaker of the House of  
2661 Representatives, and the chairs of the legislative  
2662 appropriations committees an annual report that includes, but  
2663 need not be limited to, the number of training programs provided  
2664 for condominium association board members and unit owners, the  
2665 number of complaints received by type, the number and percent of  
2666 complaints acknowledged in writing within 30 days and the number  
2667 and percent of investigations acted upon within 90 days in  
2668 accordance with paragraph (m), and the number of investigations

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2669 exceeding the 90-day requirement. The annual report must also  
2670 include an evaluation of the division's core business processes  
2671 and make recommendations for improvements, including statutory  
2672 changes. The report shall be submitted by September 30 following  
2673 the end of the fiscal year.

2674 (2) (a) Each condominium association which operates more  
2675 than two units shall pay to the division an annual fee in the  
2676 amount of \$4 for each residential unit in condominiums operated  
2677 by the association. The annual fee must be filed together with  
2678 the annual certification described in paragraph (c). If the fee  
2679 is not paid by March 1, the association shall be assessed a  
2680 penalty of 10 percent of the amount due, and the association  
2681 will not have standing to maintain or defend any action in the  
2682 courts of this state until the amount due, plus any penalty, is  
2683 paid.

2684 (b) All fees shall be deposited in the Division of Florida  
2685 Condominiums, Timeshares, and Mobile Homes Trust Fund as  
2686 provided by law.

2687 (c) On the certification form provided by rule of the  
2688 division, the directors of the association shall certify that  
2689 all directors of the association have or have not completed the  
2690 written certification and educational certificate requirements  
2691 in s. 718.112(2)(d)4.b. If the association certifies that a  
2692 director has not completed the written certification and  
2693 educational certificate requirements, the association must  
2694 explain on the certification form the reasons the written  
2695 certification and educational certificate requirements have not  
2696 been met and provide the date by which the requirements will be  
2697 met, which may not be more than 60 days after the date the

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2698 certification form required under this paragraph is submitted to  
2699 the division. Upon completion of the requirements in s.  
2700 718.112(2)(d)4.b., the association must notify the division, on  
2701 a form adopted by rule of the division, that the requirements  
2702 have been met.

2703 Section 20. Subsection (2) of section 718.5011, Florida  
2704 Statutes, is amended to read:

2705 718.5011 Ombudsman; appointment; administration.-

2706 (2) The secretary of the Department of Business and  
2707 Professional Regulation ~~Governor~~ shall appoint the ombudsman-  
2708 ~~The ombudsman must be an attorney admitted to practice before~~  
2709 ~~the Florida Supreme Court~~ who and shall serve at the pleasure of  
2710 the secretary ~~Governor~~. A vacancy in the office shall be filled  
2711 in the same manner as the original appointment. An officer or  
2712 full-time employee of the ombudsman's office may not actively  
2713 engage in any other business or profession that directly or  
2714 indirectly relates to or conflicts with his or her work in the  
2715 ombudsman's office; serve as the representative of any political  
2716 party, executive committee, or other governing body of a  
2717 political party; serve as an executive, officer, or employee of  
2718 a political party; receive remuneration for activities on behalf  
2719 of any candidate for public office; or engage in soliciting  
2720 votes or other activities on behalf of a candidate for public  
2721 office. The ombudsman or any employee of his or her office may  
2722 not become a candidate for election to public office unless he  
2723 or she first resigns from his or her office or employment.

2724 Section 21. Subsection (1) of section 718.618, Florida  
2725 Statutes, is amended to read:

2726 718.618 Converter reserve accounts; warranties.-

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2727 (1) When existing improvements are converted to ownership  
2728 as a residential condominium, the developer shall establish  
2729 converter reserve accounts for capital expenditures and planned  
2730 ~~deferred~~ maintenance, or give warranties as provided by  
2731 subsection (6), or post a surety bond as provided by subsection  
2732 (7). The developer shall fund the converter reserve accounts in  
2733 amounts calculated as follows:

2734 (a)1. When the existing improvements include an air-  
2735 conditioning system serving more than one unit or property which  
2736 the association is responsible to repair, maintain, or replace,  
2737 the developer shall fund an air-conditioning reserve account.  
2738 The amount of the reserve account shall be the product of the  
2739 estimated current replacement cost of the system, as disclosed  
2740 and substantiated pursuant to s. 718.616(3)(b), multiplied by a  
2741 fraction, the numerator of which shall be the lesser of the age  
2742 of the system in years or 9, and the denominator of which shall  
2743 be 10. When such air-conditioning system is within 1,000 yards  
2744 of the seacoast, the numerator shall be the lesser of the age of  
2745 the system in years or 3, and the denominator shall be 4.

2746 2. The developer shall fund a plumbing reserve account. The  
2747 amount of the funding shall be the product of the estimated  
2748 current replacement cost of the plumbing component, as disclosed  
2749 and substantiated pursuant to s. 718.616(3)(b), multiplied by a  
2750 fraction, the numerator of which shall be the lesser of the age  
2751 of the plumbing in years or 36, and the denominator of which  
2752 shall be 40.

2753 3. The developer shall fund a roof reserve account. The  
2754 amount of the funding shall be the product of the estimated  
2755 current replacement cost of the roofing component, as disclosed

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2756 and substantiated pursuant to s. 718.616(3)(b), multiplied by a  
 2757 fraction, the numerator of which shall be the lesser of the age  
 2758 of the roof in years or the numerator listed in the following  
 2759 table. The denominator of the fraction shall be determined based  
 2760 on the roof type, as follows:

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

2771 (b) The age of any component or structure for which the  
 2772 developer is required to fund a reserve account shall be  
 2773 measured in years, rounded to the nearest whole year. The amount



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2774 of converter reserves to be funded by the developer for each  
2775 structure or component shall be based on the age of the  
2776 structure or component as disclosed in the inspection report.  
2777 The architect or engineer shall determine the age of the  
2778 component from the later of:

2779 1. The date when the component or structure was replaced or  
2780 substantially renewed, if the replacement or renewal of the  
2781 component at least met the requirements of the then-applicable  
2782 building code; or

2783 2. The date when the installation or construction of the  
2784 existing component or structure was completed.

2785 (c) When the age of a component or structure is to be  
2786 measured from the date of replacement or renewal, the developer  
2787 shall provide the division with a certificate, under the seal of  
2788 an architect or engineer authorized to practice in this state,  
2789 verifying:

2790 1. The date of the replacement or renewal; and

2791 2. That the replacement or renewal at least met the  
2792 requirements of the then-applicable building code.

2793 (d) In addition to establishing the reserve accounts  
2794 specified above, the developer shall establish those other  
2795 reserve accounts required by s. 718.112(2)(f), and shall fund  
2796 those accounts in accordance with the formula provided therein.  
2797 The vote to waive or reduce the funding or reserves required by  
2798 s. 718.112(2)(f) does not affect or negate the obligations  
2799 arising under this section.

2800 Section 22. Paragraphs (j) and (k) of subsection (1) of  
2801 section 719.106, Florida Statutes, are amended to read:

2802 719.106 Bylaws; cooperative ownership.-

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2803 (1) MANDATORY PROVISIONS.—The bylaws or other cooperative  
2804 documents shall provide for the following, and if they do not,  
2805 they shall be deemed to include the following:

2806 (j) *Annual budget.*—

2807 1. The proposed annual budget of common expenses must be  
2808 detailed and must show the amounts budgeted by accounts and  
2809 expense classifications, including, if applicable, but not  
2810 limited to, those expenses listed in s. 719.504(20). The board  
2811 of administration shall adopt the annual budget at least 14 days  
2812 before the start of the association's fiscal year. In the event  
2813 that the board fails to timely adopt the annual budget a second  
2814 time, it is deemed a minor violation and the prior year's budget  
2815 shall continue in effect until a new budget is adopted.

2816 2. In addition to annual operating expenses, the budget  
2817 must include reserve accounts for capital expenditures and  
2818 planned ~~deferred~~ maintenance. These accounts must include, but  
2819 not be limited to, roof replacement, building painting, and  
2820 pavement resurfacing, regardless of the amount of planned  
2821 ~~deferred~~ maintenance expense or replacement cost, and for any  
2822 other items for which the planned ~~deferred~~ maintenance expense  
2823 or replacement cost exceeds \$10,000. The amount to be reserved  
2824 must be computed by means of a formula which is based upon  
2825 estimated remaining useful life and estimated replacement cost  
2826 or planned ~~deferred~~ maintenance expense of the reserve item. In  
2827 a budget adopted by an association that is required to obtain a  
2828 structural integrity reserve study, reserves must be maintained  
2829 for the items identified in paragraph (k) for which the  
2830 association is responsible pursuant to the declaration, and the  
2831 reserve amount for such items must be based on the findings and

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2832 recommendations of the association's most recent structural  
2833 integrity reserve study. With respect to items for which an  
2834 estimate of useful life is not readily ascertainable or with an  
2835 estimated remaining useful life of greater than 25 years, an  
2836 association is not required to reserve replacement costs for  
2837 such items, but an association must reserve the amount of  
2838 planned ~~deferred~~ maintenance expense, if any, which is  
2839 recommended by the structural integrity reserve study for such  
2840 items. The association may adjust replacement reserve  
2841 assessments annually to take into account an inflation  
2842 adjustment and any changes in estimates or extension of the  
2843 useful life of a reserve item caused by planned ~~deferred~~  
2844 maintenance. The members of a unit-owner-controlled association  
2845 may determine, by a majority vote of the total voting interests  
2846 of the association, for a fiscal year to provide no reserves or  
2847 reserves less adequate than required by this subsection. Before  
2848 turnover of control of an association by a developer to unit  
2849 owners other than a developer under s. 719.301, the developer-  
2850 controlled association may not vote to waive the reserves or  
2851 reduce funding of the reserves. For a budget adopted on or after  
2852 December 31, 2024, a unit-owner-controlled association that must  
2853 obtain a structural integrity reserve study may not determine to  
2854 provide no reserves or reserves less adequate than required by  
2855 this paragraph for items listed in paragraph (k). If a meeting  
2856 of the unit owners has been called to determine to provide no  
2857 reserves, or reserves less adequate than required, and such  
2858 result is not attained or a quorum is not attained, the reserves  
2859 as included in the budget shall go into effect.

2860 3. Reserve funds and any interest accruing thereon shall

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2861 remain in the reserve account or accounts, and shall be used  
2862 only for authorized reserve expenditures unless their use for  
2863 other purposes is approved in advance by a vote of the majority  
2864 of the total voting interests of the association. Before  
2865 turnover of control of an association by a developer to unit  
2866 owners other than the developer under s. 719.301, the developer  
2867 may not vote to use reserves for purposes other than that for  
2868 which they were intended. For a budget adopted on or after  
2869 December 31, 2024, members of a unit-owner-controlled  
2870 association that must obtain a structural integrity reserve  
2871 study may not vote to use reserve funds, or any interest  
2872 accruing thereon, for purposes other than the replacement or  
2873 planned ~~deferred~~ maintenance costs of the components listed in  
2874 paragraph (k).

2875 (k) *Structural integrity reserve study.*—

2876 1. A residential cooperative association must have a  
2877 structural integrity reserve study completed at least every 10  
2878 years for each building on the cooperative property that is  
2879 three stories or higher in height, as determined by the Florida  
2880 Building Code, that includes, at a minimum, a study of the  
2881 following items as related to the structural integrity and  
2882 safety of the building:

2883 a. Roof.

2884 b. Structure, including load-bearing walls and other  
2885 primary structural members and primary structural systems as  
2886 those terms are defined in s. 627.706.

2887 c. Fireproofing and fire protection systems.

2888 d. Plumbing.

2889 e. Electrical systems.

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2890 f. Waterproofing and exterior painting.

2891 g. Windows and exterior doors.

2892 h. Any other item that has a planned ~~deferred~~ maintenance  
2893 expense or replacement cost that exceeds \$10,000 and the failure  
2894 to replace or maintain such item negatively affects the items  
2895 listed in sub-subparagraphs a.-g., as determined by the visual  
2896 inspection portion of the structural integrity reserve study.

2897 2. A structural integrity reserve study is based on a  
2898 visual inspection of the cooperative property. A structural  
2899 integrity reserve study may be performed by any person qualified  
2900 to perform such study. However, the visual inspection portion of  
2901 the structural integrity reserve study must be performed or  
2902 verified by an engineer licensed under chapter 471, an architect  
2903 licensed under chapter 481, or a person certified as a reserve  
2904 specialist or professional reserve analyst by the Community  
2905 Associations Institute or the Association of Professional  
2906 Reserve Analysts.

2907 3. At a minimum, a structural integrity reserve study must  
2908 identify each item of the cooperative property being visually  
2909 inspected, state the estimated remaining useful life and the  
2910 estimated replacement cost or planned ~~deferred~~ maintenance  
2911 expense of each item of the cooperative property being visually  
2912 inspected, and provide a reserve funding schedule with a  
2913 recommended annual reserve amount that achieves the estimated  
2914 replacement cost or planned ~~deferred~~ maintenance expense of each  
2915 item of cooperative property being visually inspected by the end  
2916 of the estimated remaining useful life of the item. The  
2917 structural integrity reserve study may recommend that reserves  
2918 do not need to be maintained for any item for which an estimate

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2919 of useful life and an estimate of replacement cost cannot be  
2920 determined, or the study may recommend a planned ~~deferred~~  
2921 maintenance expense amount for such item. The structural  
2922 integrity reserve study may recommend that reserves for  
2923 replacement costs do not need to be maintained for any item with  
2924 an estimated remaining useful life of greater than 25 years, but  
2925 the study may recommend a planned ~~deferred~~ maintenance expense  
2926 amount for such item.

2927 4. This paragraph does not apply to buildings less than  
2928 three stories in height; single-family, two-family, ~~or~~ three-  
2929 family, or four-family dwellings with three or fewer habitable  
2930 stories above ground; any portion or component of a building  
2931 that has not been submitted to the cooperative form of  
2932 ownership; or any portion or component of a building that is  
2933 maintained by a party other than the association.

2934 5. Before a developer turns over control of an association  
2935 to unit owners other than the developer, the developer must have  
2936 a turnover inspection report in compliance with s. 719.301(4)(p)  
2937 and (q) for each building on the cooperative property that is  
2938 three stories or higher in height.

2939 6. Associations existing on or before July 1, 2022, which  
2940 are controlled by unit owners other than the developer, must  
2941 have a structural integrity reserve study completed by December  
2942 31, 2024, for each building on the cooperative property that is  
2943 three stories or higher in height. An association that is  
2944 required to complete a milestone inspection on or before  
2945 December 31, 2026, in accordance with s. 553.899 may complete  
2946 the structural integrity reserve study simultaneously with the  
2947 milestone inspection. In no event may the structural integrity

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2948 reserve study be completed after December 31, 2026.

2949 7. If the milestone inspection required by s. 553.899, or  
2950 an inspection completed for a similar local requirement, was  
2951 performed within the past 5 years and meets the requirements of  
2952 this paragraph, such inspection may be used in place of the  
2953 visual inspection portion of the structural integrity reserve  
2954 study.

2955 8. If the officers or directors of an association willfully  
2956 and knowingly fail to complete a structural integrity reserve  
2957 study pursuant to this paragraph, such failure is a breach of an  
2958 officer's and director's fiduciary relationship to the unit  
2959 owners under s. 719.104(9).

2960 9. Within 45 days after receiving the structural integrity  
2961 reserve study, the association shall distribute a copy of the  
2962 study to each unit owner or deliver to each unit owner a notice  
2963 that the completed study is available for inspection and copying  
2964 upon a written request. Distribution of a copy of the study or  
2965 notice must be made by United States mail or personal delivery  
2966 at the mailing address, property address, or any other address  
2967 of the owner provided to fulfill the association's notice  
2968 requirements under this chapter, or by electronic transmission  
2969 to the e-mail address or facsimile number provided to fulfill  
2970 the association's notice requirements to unit owners who  
2971 previously consented to receive notice by electronic  
2972 transmission.

2973 Section 23. Section 719.129, Florida Statutes, is amended  
2974 to read:

2975 719.129 Electronic voting.—The association may conduct  
2976 elections and other unit owner votes through an Internet-based

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2977 online voting system if a unit owner consents, electronically or  
2978 in writing, to online voting and if the following requirements  
2979 are met:

2980 (1) The association provides each unit owner with:

2981 (a) A method to authenticate the unit owner's identity to  
2982 the online voting system.

2983 (b) For elections of the board, a method to transmit an  
2984 electronic ballot to the online voting system that ensures the  
2985 secrecy and integrity of each ballot.

2986 (c) A method to confirm, at least 14 days before the voting  
2987 deadline, that the unit owner's electronic device can  
2988 successfully communicate with the online voting system.

2989 (2) The association uses an online voting system that is:

2990 (a) Able to authenticate the unit owner's identity.

2991 (b) Able to authenticate the validity of each electronic  
2992 vote to ensure that the vote is not altered in transit.

2993 (c) Able to transmit a receipt from the online voting  
2994 system to each unit owner who casts an electronic vote.

2995 (d) For elections of the board of administration, able to  
2996 permanently separate any authentication or identifying  
2997 information from the electronic election ballot, rendering it  
2998 impossible to tie an election ballot to a specific unit owner.

2999 (e) Able to store and keep electronic votes accessible to  
3000 election officials for recount, inspection, and review purposes.

3001 (3) A unit owner voting electronically pursuant to this  
3002 section shall be counted as being in attendance at the meeting  
3003 for purposes of determining a quorum. A substantive vote of the  
3004 unit owners may not be taken on any issue other than the issues  
3005 specifically identified in the electronic vote, when a quorum is



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3006 established based on unit owners voting electronically pursuant  
3007 to this section.

3008 (4) This section applies to an association that provides  
3009 for and authorizes an online voting system pursuant to this  
3010 section by a board resolution. The board resolution must provide  
3011 that unit owners receive notice of the opportunity to vote  
3012 through an online voting system, must establish reasonable  
3013 procedures and deadlines for unit owners to consent,  
3014 electronically or in writing, to online voting, and must  
3015 establish reasonable procedures and deadlines for unit owners to  
3016 opt out of online voting after giving consent. Written notice of  
3017 a meeting at which the resolution will be considered must be  
3018 mailed, delivered, or electronically transmitted to the unit  
3019 owners and posted conspicuously on the condominium property or  
3020 association property at least 14 days before the meeting.  
3021 Evidence of compliance with the 14-day notice requirement must  
3022 be made by an affidavit executed by the person providing the  
3023 notice and filed with the official records of the association.

3024 (5) A unit owner's consent to online voting is valid until  
3025 the unit owner opts out of online voting pursuant to the  
3026 procedures established by the board of administration pursuant  
3027 to subsection (4).

3028 (6) This section may apply to any matter that requires a  
3029 vote of the unit owners who are not members of a timeshare  
3030 cooperative association.

3031 Section 24. Paragraph (p) of subsection (4) of section  
3032 719.301, Florida Statutes, is amended to read:

3033 719.301 Transfer of association control.—

3034 (4) When unit owners other than the developer elect a

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3035 majority of the members of the board of administration of an  
3036 association, the developer shall relinquish control of the  
3037 association, and the unit owners shall accept control.  
3038 Simultaneously, or for the purpose of paragraph (c) not more  
3039 than 90 days thereafter, the developer shall deliver to the  
3040 association, at the developer's expense, all property of the  
3041 unit owners and of the association held or controlled by the  
3042 developer, including, but not limited to, the following items,  
3043 if applicable, as to each cooperative operated by the  
3044 association:

3045 (p) Notwithstanding when the certificate of occupancy was  
3046 issued or the height of the building, a turnover inspection  
3047 report included in the official records, under seal of an  
3048 architect or engineer authorized to practice in this state or a  
3049 person certified as a reserve specialist or professional reserve  
3050 analyst by the Community Associations Institute or the  
3051 Association of Professional Reserve Analysts, consisting of a  
3052 structural integrity reserve study attesting to required  
3053 maintenance, condition, useful life, and replacement costs of  
3054 the following applicable cooperative property:

- 3055 1. Roof.
- 3056 2. Structure, including load-bearing walls and primary  
3057 structural members and primary structural systems as those terms  
3058 are defined in s. 627.706.
- 3059 3. Fireproofing and fire protection systems.
- 3060 4. Plumbing.
- 3061 5. Electrical systems.
- 3062 6. Waterproofing and exterior painting.
- 3063 7. Windows and exterior doors.

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3064 Section 25. Subsection (1) of section 719.618, Florida  
3065 Statutes, is amended to read:

3066 719.618 Converter reserve accounts; warranties.—

3067 (1) When existing improvements are converted to ownership  
3068 as a residential cooperative, the developer shall establish  
3069 planned ~~reserve~~ accounts for capital expenditures and deferred  
3070 maintenance, or give warranties as provided by subsection (6),  
3071 or post a surety bond as provided by subsection (7). The  
3072 developer shall fund the reserve accounts in amounts calculated  
3073 as follows:

3074 (a)1. When the existing improvements include an air-  
3075 conditioning system serving more than one unit or property which  
3076 the association is responsible to repair, maintain, or replace,  
3077 the developer shall fund an air-conditioning reserve account.  
3078 The amount of the reserve account shall be the product of the  
3079 estimated current replacement cost of the system, as disclosed  
3080 and substantiated pursuant to s. 719.616(3)(b), multiplied by a  
3081 fraction, the numerator of which shall be the lesser of the age  
3082 of the system in years or 9, and the denominator of which shall  
3083 be 10. When such air-conditioning system is within 1,000 yards  
3084 of the seacoast, the numerator shall be the lesser of the age of  
3085 the system in years or 3, and the denominator shall be 4.

3086 2. The developer shall fund a plumbing reserve account. The  
3087 amount of the funding shall be the product of the estimated  
3088 current replacement cost of the plumbing component, as disclosed  
3089 and substantiated pursuant to s. 719.616(3)(b), multiplied by a  
3090 fraction, the numerator of which shall be the lesser of the age  
3091 of the plumbing in years or 36, and the denominator of which  
3092 shall be 40.

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3093 3. The developer shall fund a roof reserve account. The  
 3094 amount of the funding shall be the product of the estimated  
 3095 current replacement cost of the roofing component, as disclosed  
 3096 and substantiated pursuant to s. 719.616(3)(b), multiplied by a  
 3097 fraction, the numerator of which shall be the lesser of the age  
 3098 of the roof in years or the numerator listed in the following  
 3099 table. The denominator of the fraction shall be determined based  
 3100 on the roof type, as follows:

3101	Roof Type	Numerator	Denominator
3102	a. Built-up roof without insulation	4	5
3103	b. Built-up roof with insulation	4	5
3104	c. Cement tile roof	45	50
3105	d. Asphalt shingle roof	14	15
3106	e. Copper roof		
3107	f. Wood shingle roof	9	10
3108	g. All other types	18	20
3109			
3110			

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3111 (b) The age of any component or structure for which the  
3112 developer is required to fund a reserve account shall be  
3113 measured in years from the later of:

3114 1. The date when the component or structure was replaced or  
3115 substantially renewed, if the replacement or renewal of the  
3116 component at least met the requirements of the then-applicable  
3117 building code; or

3118 2. The date when the installation or construction of the  
3119 existing component or structure was completed.

3120 (c) When the age of a component or structure is to be  
3121 measured from the date of replacement or renewal, the developer  
3122 shall provide the division with a certificate, under the seal of  
3123 an architect or engineer authorized to practice in this state,  
3124 verifying:

3125 1. The date of the replacement or renewal; and

3126 2. That the replacement or renewal at least met the  
3127 requirements of the then-applicable building code.

3128 Section 26. The Division of Florida Condominiums,  
3129 Timeshares, and Mobile Homes of the Department of Business and  
3130 Professional Regulation shall complete a review of the website  
3131 or application requirements for official records under s.  
3132 718.111(12)(g), Florida Statutes, and make recommendations  
3133 regarding any additional official records of a condominium  
3134 association which should be included in the records maintenance  
3135 requirement in the statute. The division shall submit the  
3136 findings of its review to the Governor, the President of the  
3137 Senate, the Speaker of the House of Representatives, and the  
3138 chairs of the legislative appropriations committees and  
3139 appropriate substantive committees with jurisdiction over

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3140 chapter 718, Florida Statutes, by February 1, 2025.

3141 Section 27. Except as otherwise expressly provided in this

3142 act, this act shall take effect July 1, 2024.