

By the Committee on Fiscal Policy; the Appropriations Committee on Agriculture, Environment, and General Government; the Committee on Regulated Industries; and Senators Bradley, Pizzo, Osgood, Rodriguez, and Garcia

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

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30 certain contracts if certain conflicts were not
31 disclosed in accordance with the act; defining the
32 term "relative"; amending s. 468.436, F.S.; revising
33 the list of grounds for which the Department of
34 Business and Professional Regulation may take
35 disciplinary actions against community association
36 managers or firms, to conform to changes made by the
37 act; amending s. 553.899, F.S.; revising
38 applicability; amending s. 718.103, F.S.; revising and
39 defining terms; amending s. 718.104, F.S.; revising
40 what must be included in a declaration; requiring that
41 declarations specify the entity responsible for the
42 installation, maintenance, repair, or replacement of
43 hurricane protection; amending s. 718.111, F.S.;
44 defining the term "kickback"; providing criminal
45 penalties for any officer, director, or manager of an
46 association who knowingly solicits, offers to accept,
47 or accepts a kickback; requiring the Division of
48 Florida Condominiums, Timeshares, and Mobile Homes to
49 monitor compliance and issue fines and penalties for
50 failure of an association to maintain the required
51 insurance policy or fidelity bonding; revising the
52 list of records that constitute the official records
53 of an association; revising maintenance requirements
54 for official records; revising requirements regarding
55 requests to inspect or copy association records;
56 requiring an association to provide a checklist in
57 response to certain records requests; providing a
58 rebuttable presumption regarding compliance; providing

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59 criminal penalties for certain violations regarding
60 noncompliance with records requirements; defining the
61 term "repeatedly"; requiring that copies of certain
62 building permits be posted on an association's website
63 or application; modifying the method of delivery of
64 certain letters regarding association financial
65 reports to unit owners; conforming a provision to
66 changes made by the act; revising circumstances under
67 which an association may prepare certain reports;
68 revising applicable law for criminal penalties for
69 persons who unlawfully use a debit card issued in the
70 name of an association; defining the term "lawful
71 obligation of the association"; revising the threshold
72 for associations that must post certain documents on
73 their websites or through an application; amending s.
74 718.112, F.S.; requiring the boards of administration
75 of associations consisting of more than a specified
76 number of units to meet a minimum number of times each
77 quarter; revising requirements regarding notice of
78 such meetings; requiring a director of a board of an
79 association to provide a written certification and
80 complete an educational requirement upon election or
81 appointment to the board; specifying requirements for
82 the education curriculum; requiring the association to
83 bear the costs of the required educational curriculum
84 and certificate; providing transitional provisions;
85 requiring that an association's budget include reserve
86 amounts for planned maintenance, rather than for
87 deferred maintenance; providing that, upon a

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88 determination by a specified local building official
89 that an entire condominium building is uninhabitable
90 due to a natural emergency, the board, upon the
91 approval of a majority of its members, may pause
92 contribution to reserves or reduce reserve funding for
93 a specified period of time; authorizing an association
94 to expend any reserve accounts held by the association
95 to make the building and its structures habitable;
96 requiring the association to immediately resume
97 contributing funds to its reserve once the local
98 building official determines the building and its
99 structures are habitable; providing that a
100 condominium's structural integrity reserve study may
101 recommend a temporary pause in reserve funding under
102 certain circumstances; revising applicability;
103 requiring an association to distribute copies of a
104 structural integrity reserve study to unit owners or
105 deliver a certain notice to them within a specified
106 timeframe; specifying the manner of distribution or
107 delivery; requiring the association to provide the
108 division with a statement indicating specific
109 information within a specified timeframe after
110 receiving the structural integrity reserve study;
111 revising the circumstances under which a director or
112 an officer must be removed from office after being
113 charged by information or indictment; prohibiting such
114 officers and directors with pending criminal charges
115 from accessing the official records of any
116 association; providing an exception; providing

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117 criminal penalties for certain fraudulent voting
118 activities relating to association elections;
119 requiring any person charged to be removed from office
120 and a vacancy be declared; amending s. 718.113, F.S.;

121 providing applicability; authorizing, rather than
122 requiring, certain hurricane protection
123 specifications; specifying that certain actions are
124 not material alterations or substantial additions;
125 authorizing the boards of residential and mixed-use
126 condominiums to install or require the unit owners to
127 install hurricane protection; requiring a vote of the
128 unit owners for the installation of hurricane
129 protection; requiring that such vote be attested to in
130 a certificate and recorded in certain public records;
131 providing requirements for such certificate; providing
132 that the validity or enforceability of a vote of the
133 unit owners is not affected if the board fails to
134 record a certificate or send a copy of the recorded
135 certificate to the unit owners; providing that a vote
136 of the unit owners is not required under certain
137 circumstances; prohibiting installation of the same
138 type of hurricane protection previously installed;
139 providing exceptions; prohibiting the boards of
140 residential and mixed-use condominiums from refusing
141 to approve certain hurricane protections; authorizing
142 the board to require owners to adhere to certain
143 guidelines regarding the external appearance of a
144 condominium; revising responsibility for the cost of
145 removal or reinstallation of hurricane protection and

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

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175 prohibiting associations from expending association
176 funds in support of certain actions against a unit
177 owner; conforming provisions to changes made by the
178 act; amending s. 718.128, F.S.; authorizing a
179 condominium association to conduct elections and other
180 unit owner votes through an online voting system if a
181 unit owner consents, either electronically or in
182 writing, to online voting; revising applicability;
183 amending s. 718.202, F.S.; authorizing the director of
184 the Division of Florida Condominiums, Timeshares, and
185 Mobile Homes to accept certain assurances in lieu of a
186 specified percentage of the sale price; authorizing a
187 developer to deliver a surety bond or an irrevocable
188 letter of credit in an amount equivalent to a certain
189 percentage of the sale price; conforming provisions to
190 changes made by the act; making technical changes;
191 amending s. 718.301, F.S.; revising items that
192 developers are required to deliver to an association
193 upon relinquishing control of the association;
194 amending s. 718.3027, F.S.; revising requirements
195 regarding attendance at a board meeting in the event
196 of a conflict of interest; modifying circumstances
197 under which a contract may be voided; amending s.
198 718.303, F.S.; requiring that a notice of nonpayment
199 be provided to a unit owner by a specified time before
200 an election; creating s. 718.407, F.S.; providing that
201 a condominium may be created within a portion of a
202 building or within a multiple parcel building;
203 providing for the common elements of such condominium;

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204 providing requirements for the declaration of
205 condominium and other recorded instruments;
206 authorizing an association to inspect and copy certain
207 books and records and to receive an annual budget;
208 requiring that a specified statement be included in a
209 contract for the sale of a unit of the condominium;
210 providing that a multiple parcel building is not a
211 subdivision of land if the land is not subdivided;
212 amending s. 718.501, F.S.; revising circumstances
213 under which the Division of Florida Condominiums,
214 Timeshares, and Mobile Homes has jurisdiction to
215 investigate and enforce certain matters; requiring the
216 division to provide official records, without charge,
217 to a unit owner denied access to such records;
218 authorizing the division to issue citations and adopt
219 rules for such issuance; requiring the division to
220 provide division-approved providers with the template
221 certificate for issuance directly to the association;
222 requiring the division to adopt rules related to the
223 approval of educational curriculum providers;
224 requiring the division to refer suspected criminal
225 acts to the appropriate law enforcement authority;
226 authorizing certain division officials to attend
227 association meetings; authorizing the division to
228 access the association's website to investigate
229 complaints made regarding access to official records
230 on the association's website and to develop rules for
231 such access; specifying requirements for the annual
232 certification; requiring an association to explain on

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233 the certification the reasons any certification
234 requirements have not been met; requiring an
235 association to complete the certifications within a
236 specified timeframe; requiring the association to
237 notify the division when the certification is
238 completed; providing applicability; conforming a
239 provision to changes made by the act; amending s.
240 718.5011, F.S.; specifying that the secretary of the
241 Department of Business and Professional Regulation,
242 rather than the Governor, shall appoint the
243 condominium ombudsman; amending ss. 718.503 and
244 718.504, F.S.; requiring certain persons to provide
245 specified disclosures to purchasers under certain
246 circumstances; making technical changes; providing for
247 retroactive applicability; amending s. 718.618, F.S.;
248 conforming a provision to changes made by the act;
249 amending s. 719.106, F.S.; requiring that a
250 cooperative association's budget include reserve
251 amounts for planned maintenance, rather than for
252 deferred maintenance; providing an exception for
253 certain associations to complete a structural
254 integrity reserve study by a certain date; requiring
255 an association to distribute copies of a structural
256 integrity reserve study to unit owners or deliver a
257 certain notice to them within a specified timeframe;
258 specifying the manner of distribution or delivery;
259 conforming provisions to changes made by the act;
260 amending s. 719.129, F.S.; authorizing cooperative
261 associations to conduct elections and other unit owner

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262 votes through an online voting system if a unit owner
263 consents, either electronically or in writing, to
264 online voting; revising applicability; amending s.
265 719.301, F.S.; revising items that developers are
266 required to deliver to a cooperative association upon
267 relinquishing control of association property;
268 amending s. 719.618, F.S.; conforming a provision to
269 changes made by the act; requiring the division to
270 conduct a review of statutory requirements regarding
271 posting of official records on a condominium
272 association's website or application; requiring the
273 division to submit its findings, including any
274 recommendations, to the Governor and the Legislature
275 by a specified date; providing for retroactive
276 applicability; requiring the division to create a
277 database on its website of the associations that have
278 reported the completion of their structural integrity
279 reserve study by a specified date; providing an
280 appropriation; providing construction; requiring the
281 Florida Building Commission to perform a study on
282 standards to prevent water intrusion through the
283 tracks of sliding glass doors; requiring the
284 commission to provide a written report of such a study
285 to the Governor and Legislature by a specified date;
286 providing effective dates.

287
288 Be It Enacted by the Legislature of the State of Florida:

289
290 Section 1. Subsection (3) is added to section 468.4334,

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291 Florida Statutes, to read:

292 468.4334 Professional practice standards; liability.-

293 (3) A community association manager or a community
294 association management firm shall return all community
295 association official records within its possession to the
296 community association within 20 business days after termination
297 of a contractual agreement to provide community association
298 management services to the community association or receipt of a
299 written request for return of the official records, whichever
300 occurs first. A notice of termination of a contractual agreement
301 to provide community association management services must be
302 sent by certified mail, return receipt requested, or in the
303 manner required under such contractual agreement. The community
304 association manager or community association management firm may
305 retain, for up to 20 business days, those records necessary to
306 complete an ending financial statement or report. If an
307 association fails to provide access to or retention of
308 accounting records to prepare an ending financial statement or
309 report, the community association manager or community
310 association management firm is relieved from any further
311 responsibility or liability relating to the preparation of such
312 ending financial statement or report. Failure of a community
313 association manager or a community association management firm
314 to timely return all of the official records within its
315 possession to the community association creates a rebuttable
316 presumption that the community association manager or the
317 community association management firm willfully failed to comply
318 with this subsection. A community association manager or a
319 community association management firm that fails to timely

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320 return community association records is subject to suspension of
321 its license under s. 468.436, and a civil penalty of \$1,000 per
322 day for up to 10 business days, assessed beginning on the 21st
323 business day after termination of a contractual agreement to
324 provide community association management services to the
325 community association or receipt of a written request from the
326 association for return of the records, whichever occurs first.
327 However, related to a timeshare plan licensed under chapter 721,
328 the time periods in s. 721.14(4)(b) are applicable.

329 Section 2. Section 468.4335, Florida Statutes, is created
330 to read:

331 468.4335 Conflicts of interest.—

332 (1) A community association manager or a community
333 association management firm, including directors, officers, and
334 persons with a financial interest in a community association
335 management firm, or a relative of such persons, must provide a
336 written disclosure to the board of a community association of
337 any activity that may reasonably be construed to be a conflict
338 of interest. A rebuttable presumption of a conflict of interest
339 exists if any of the following occurs without prior notice:

340 (a) A community association manager or a community
341 association management firm, including directors, officers, and
342 persons with a financial interest in a community association
343 management firm, or a relative of such persons, enters into a
344 contract with the association for goods or services, other than
345 community association management services.

346 (b) A community association manager or a community
347 association management firm, including directors, officers, and
348 persons with a financial interest in a community association

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349 management firm, or a relative of such persons, holds an
350 interest in or receives compensation or any thing of value from
351 a corporation, limited liability corporation, partnership,
352 limited liability partnership, or other business entity that
353 conducts business with the association or proposes to enter into
354 a contract or other transaction with the association.

355 (2) If the association receives and considers a bid to
356 provide a good or service that exceeds \$2,500, other than
357 community association management services, from a community
358 association manager or a community association management firm,
359 including directors, officers, and persons with a financial
360 interest in a community association management firm, or a
361 relative of such persons, the association must also solicit
362 multiple bids from other third-party providers of such good or
363 service.

364 (3) If a community association manager or a community
365 association management firm, including directors, officers, and
366 persons with a financial interest in a community association
367 management firm, or a relative of such persons, proposes to
368 engage in an activity that is a conflict of interest as
369 described in subsection (1), the proposed activity must be
370 listed on, and all contracts and transactional documents related
371 to the proposed activity must be attached to, the meeting agenda
372 of the next board of administration meeting. The disclosures of
373 a possible conflict of interest must be entered into the written
374 minutes of the meeting. Approval of the contract or other
375 transaction requires an affirmative vote of two-thirds of all
376 directors present. At the next regular or special meeting of the
377 members, the existence of the conflict of interest and the

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378 contract or other transaction must be disclosed to the members.
379 If a community association manager or community management firm
380 has previously disclosed a conflict of interest in an existing
381 management contract entered into between the board of directors
382 and the community association manager or management firm, the
383 conflict of interest does not need to be additionally noticed
384 and voted on during the term of the contract between the
385 community association and the community association manager or
386 management firm, but must be noticed and voted on in accordance
387 with this provision upon renewal.

388 (4) If the board finds that a community association manager
389 or a community association management firm, including directors,
390 officers, and persons with a financial interest in a community
391 association management firm, or a relative of such persons, has
392 violated this section, the association may cancel its community
393 association management contract with the community association
394 manager or the community association management firm. If the
395 contract is canceled, the association is liable only for the
396 reasonable value of the management services provided up to the
397 time of cancellation and is not liable for any termination fees,
398 liquidated damages, or other form of penalty for such
399 cancellation.

400 (5) If an association enters into a contract, other than a
401 contract for community association management services, with a
402 community association manager or a community association
403 management firm, including directors, officers, and persons with
404 a financial interest in a community association management firm,
405 or a relative of such persons, which is a party to or has an
406 interest in an activity that is a possible conflict of interest

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407 as described in subsection (1) and that activity has not been
408 properly disclosed as a conflict of interest or potential
409 conflict of interest as required by this section, the contract
410 is voidable and terminates upon the association filing a written
411 notice terminating the contract.

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

415 Section 3. Paragraph (b) of subsection (2) of section
416 468.436, Florida Statutes, is amended, and subsection (4) of
417 that section is reenacted, to read:

418 468.436 Disciplinary proceedings.—

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

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

422 2. Violation of any lawful order or rule rendered or
423 adopted by the department or the council.

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

426 4. Obtaining a license or certification or any other order,
427 ruling, or authorization by means of fraud, misrepresentation,
428 or concealment of material facts.

429 5. Committing acts of gross misconduct or gross negligence
430 in connection with the profession.

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

434 7. Failing to disclose any conflict of interest as required
435 by s. 468.4335.

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

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

444 (a) Denial of an application for licensure.

445 (b) Revocation or suspension of a license.

446 (c) Imposition of an administrative fine not to exceed
447 \$5,000 for each count or separate offense.

448 (d) Issuance of a reprimand.

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

452 (f) Restriction of the authorized scope of practice by the
453 community association manager.

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

456 553.899 Mandatory structural inspections for condominium
457 and cooperative buildings.—

458 (4) The milestone inspection report must be arranged by a
459 condominium or cooperative association and any owner of any
460 portion of the building which is not subject to the condominium
461 or cooperative form of ownership. The condominium association or
462 cooperative association and any owner of any portion of the
463 building which is not subject to the condominium or cooperative
464 form of ownership are each responsible for ensuring compliance

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465 with the requirements of this section. The condominium
466 association or cooperative association is responsible for all
467 costs associated with the milestone inspection attributable to
468 the portions of a building which the association is responsible
469 to maintain under the governing documents of the association.
470 This section does not apply to a single-family, two-family, ~~or~~
471 three-family, or four-family dwelling with three or fewer
472 habitable stories above ground.

473 Section 5. Present subsections (19) through (32) of section
474 718.103, Florida Statutes, are redesignated as subsections (20)
475 through (33), respectively, a new subsection (19) is added to
476 that section, and subsection (1) of that section is amended, to
477 read:

478 718.103 Definitions.—As used in this chapter, the term:

479 (1) "Alternative funding method" means a method approved by
480 the division for funding the capital expenditures and planned
481 ~~deferred~~ maintenance obligations for a multicondominium
482 association operating at least 25 condominiums which may
483 reasonably be expected to fully satisfy the association's
484 reserve funding obligations by the allocation of funds in the
485 annual operating budget.

486 (19) "Hurricane protection" means hurricane shutters,
487 impact glass, code-compliant windows or doors, and other code-
488 compliant hurricane protection products used to preserve and
489 protect the condominium property or association property.

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

492 718.103 Definitions.—As used in this chapter, the term:

493 (14) "Condominium property" means the lands, leaseholds,

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494 improvements, any and personal property, and all easements and
495 rights appurtenant thereto, regardless of whether contiguous,
496 which ~~that~~ are subjected to condominium ownership, ~~whether or~~
497 ~~not contiguous, and all improvements thereon and all easements~~
498 ~~and rights appurtenant thereto intended for use in connection~~
499 ~~with the condominium.~~

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

502 718.104 Creation of condominiums; contents of declaration.-
503 Every condominium created in this state shall be created
504 pursuant to this chapter.

505 (4) The declaration must contain or provide for the
506 following matters:

507 (p) For both residential condominiums and mixed-use
508 condominiums, a statement that specifies whether the unit owner
509 or the association is responsible for the installation,
510 maintenance, repair, or replacement of hurricane protection that
511 is for the preservation and protection of the condominium
512 property and association property.

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

516 718.104 Creation of condominiums; contents of declaration.-
517 Every condominium created in this state shall be created
518 pursuant to this chapter.

519 (4) The declaration must contain or provide for the
520 following matters:

521 (b) The name by which the condominium property is to be
522 identified, which shall include the word "condominium" or be

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523 followed by the words "a condominium." Condominiums created
524 within a portion of a building or within a multiple parcel
525 building shall include the name by which the condominium is to
526 be identified and be followed by "a condominium within a portion
527 of a building or within a multiple parcel building."

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

531 718.111 The association.—

532 (1) CORPORATE ENTITY.—

533 (a) The operation of the condominium shall be by the
534 association, which must be a Florida corporation for profit or a
535 Florida corporation not for profit. However, any association
536 which was in existence on January 1, 1977, need not be
537 incorporated. The owners of units shall be shareholders or
538 members of the association. The officers and directors of the
539 association have a fiduciary relationship to the unit owners. It
540 is the intent of the Legislature that nothing in this paragraph
541 shall be construed as providing for or removing a requirement of
542 a fiduciary relationship between any manager employed by the
543 association and the unit owners. An officer, director, or
544 manager may not solicit, offer to accept, or accept a kickback.
545 As used in this paragraph, the term "kickback" means any thing
546 or service of value ~~or kickback~~ for which consideration has not
547 been provided for an officer's, a director's, or a manager's ~~his~~
548 ~~or her~~ own benefit or that of his or her immediate family, from
549 any person providing or proposing to provide goods or services
550 to the association. Any such officer, director, or manager who
551 knowingly so solicits, offers to accept, or accepts ~~a any thing~~

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552 ~~or service of value or kickback~~ commits a felony of the third
553 degree, punishable as provided in s. 775.082, s. 775.083, or s.
554 775.084, and is subject to a civil penalty pursuant to s.
555 718.501(1)(d) ~~and, if applicable, a criminal penalty as provided~~
556 ~~in paragraph (d).~~ However, this paragraph does not prohibit an
557 officer, director, or manager from accepting services or items
558 received in connection with trade fairs or education programs.
559 An association may operate more than one condominium.

560 (11) INSURANCE.—In order to protect the safety, health, and
561 welfare of the people of the State of Florida and to ensure
562 consistency in the provision of insurance coverage to
563 condominiums and their unit owners, this subsection applies to
564 every residential condominium in the state, regardless of the
565 date of its declaration of condominium. It is the intent of the
566 Legislature to encourage lower or stable insurance premiums for
567 associations described in this subsection.

568 (h) The association shall maintain insurance or fidelity
569 bonding of all persons who control or disburse funds of the
570 association. The insurance policy or fidelity bond must cover
571 the maximum funds that will be in the custody of the association
572 or its management agent at any one time. Upon receipt of a
573 complaint, the division shall monitor compliance with this
574 paragraph and may issue fines and penalties established by the
575 division for failure of an association to maintain the required
576 insurance policy or fidelity bond. As used in this paragraph,
577 the term "persons who control or disburse funds of the
578 association" includes, but is not limited to, those individuals
579 authorized to sign checks on behalf of the association, and the
580 president, secretary, and treasurer of the association. The

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581 association shall bear the cost of any such bonding.

582 (12) OFFICIAL RECORDS.—

583 (a) From the inception of the association, the association
584 shall maintain each of the following items, if applicable, which
585 constitutes the official records of the association:

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

588 2. A photocopy of the recorded declaration of condominium
589 of each condominium operated by the association and each
590 amendment to each declaration.

591 3. A photocopy of the recorded bylaws of the association
592 and each amendment to the bylaws.

593 4. A certified copy of the articles of incorporation of the
594 association, or other documents creating the association, and
595 each amendment thereto.

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

597 6. A book or books that contain the minutes of all meetings
598 of the association, the board of administration, and the unit
599 owners.

600 7. A current roster of all unit owners and their mailing
601 addresses, unit identifications, voting certifications, and, if
602 known, telephone numbers. The association shall also maintain
603 the e-mail addresses and facsimile numbers of unit owners
604 consenting to receive notice by electronic transmission. ~~The e-~~
605 ~~mail addresses and facsimile numbers are not accessible to unit~~
606 ~~owners if consent to receive notice by electronic transmission~~
607 ~~is not provided~~ In accordance with sub-subparagraph (c)5.e.
608 ~~(c)3.e.~~, the e-mail addresses and facsimile numbers are
609 accessible to unit owners only if consent to receive notice by

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610 electronic transmission is provided, the unit owner has
611 expressly indicated that such personal information can be shared
612 with other unit owners, and the unit owner has not provided the
613 association with a request to opt out of such dissemination with
614 other unit owners. An association must ensure that such e-mail
615 addresses and facsimile numbers are used only for the business
616 operation of the association and may not be sold or shared with
617 outside third parties. If such personal information is included
618 in documents released to third parties other than unit owners,
619 the association must redact such personal information before the
620 document is disseminated. However, the association is not liable
621 for an inadvertent disclosure of the e-mail address or facsimile
622 number for receiving electronic transmission of notices unless
623 disclosure was made with a knowing or intentional disregard of
624 the protected nature of such information.

625 8. All current insurance policies of the association and
626 condominiums operated by the association.

627 9. A current copy of any management agreement, lease, or
628 other contract to which the association is a party or under
629 which the association or the unit owners have an obligation or
630 responsibility.

631 10. Bills of sale or transfer for all property owned by the
632 association.

633 11. Accounting records for the association and separate
634 accounting records for each condominium that the association
635 operates. Any person who knowingly or intentionally defaces or
636 destroys such records, or who knowingly or intentionally fails
637 to create or maintain such records, with the intent of causing
638 harm to the association or one or more of its members, is

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639 personally subject to a civil penalty pursuant to s.
640 718.501(1)(d). The accounting records must include, but are not
641 limited to:

642 a. Accurate, itemized, and detailed records of all receipts
643 and expenditures.

644 b. All invoices, transaction receipts, or deposit slips
645 that substantiate any receipt or expenditure of funds by the
646 association.

647 c. A current account and a monthly, bimonthly, or quarterly
648 statement of the account for each unit designating the name of
649 the unit owner, the due date and amount of each assessment, the
650 amount paid on the account, and the balance due.

651 ~~d.e.~~ All audits, reviews, accounting statements, structural
652 integrity reserve studies, and financial reports of the
653 association or condominium. Structural integrity reserve studies
654 must be maintained for at least 15 years after the study is
655 completed.

656 ~~e.d.~~ All contracts for work to be performed. Bids for work
657 to be performed are also considered official records and must be
658 maintained by the association for at least 1 year after receipt
659 of the bid.

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

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

667 14. A copy of the current question and answer sheet as

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668 described in s. 718.504.

669 15. A copy of the inspection reports described in ss.
670 553.899 and 718.301(4) (p) and any other inspection report
671 relating to a structural or life safety inspection of
672 condominium property. Such record must be maintained by the
673 association for 15 years after receipt of the report.

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

675 17. All affirmative acknowledgments made pursuant to s.
676 718.121(4) (c).

677 18. A copy of all building permits.

678 19. A copy of all satisfactorily completed board member
679 educational certificates.

680 20. All other written records of the association not
681 specifically included in the foregoing which are related to the
682 operation of the association.

683 (b) The official records specified in subparagraphs (a)1.-
684 6. must be permanently maintained from the inception of the
685 association. Bids for work to be performed or for materials,
686 equipment, or services must be maintained for at least 1 year
687 after receipt of the bid. All other official records must be
688 maintained within the state for at least 7 years, unless
689 otherwise provided by general law. The official records must be
690 maintained in an organized manner that facilitates inspection of
691 the records by a unit owner. In the event that the records are
692 lost, destroyed, or otherwise unavailable, the obligation to
693 maintain official records includes a good faith obligation to
694 recover those records as may be reasonably possible. The records
695 of the association shall be made available to a unit owner
696 within 45 miles of the condominium property or within the county

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697 in which the condominium property is located within 10 working
698 days after receipt of a written request by the board or its
699 designee. However, such distance requirement does not apply to
700 an association governing a timeshare condominium. This paragraph
701 and paragraph (c) may be complied with by having a copy of the
702 official records of the association available for inspection or
703 copying on the condominium property or association property, or
704 the association may offer the option of making the records
705 available to a unit owner electronically via the Internet as
706 provided under paragraph (g) or by allowing the records to be
707 viewed in electronic format on a computer screen and printed
708 upon request. The association is not responsible for the use or
709 misuse of the information provided to an association member or
710 his or her authorized representative in compliance with this
711 chapter unless the association has an affirmative duty not to
712 disclose such information under this chapter.

713 (c)1.a. The official records of the association are open to
714 inspection by any association member and any person authorized
715 by an association member as a representative of such member at
716 all reasonable times. The right to inspect the records includes
717 the right to make or obtain copies, at the reasonable expense,
718 if any, of the member and of the person authorized by the
719 association member as a representative of such member. A renter
720 of a unit has a right to inspect and copy only the declaration
721 of condominium, the association's bylaws and rules, and the
722 inspection reports described in ss. 553.899 and 718.301(4)(p).
723 The association may adopt reasonable rules regarding the
724 frequency, time, location, notice, and manner of record
725 inspections and copying but may not require a member to

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726 demonstrate any purpose or state any reason for the inspection.
727 The failure of an association to provide the records within 10
728 working days after receipt of a written request creates a
729 rebuttable presumption that the association willfully failed to
730 comply with this paragraph. A unit owner who is denied access to
731 official records is entitled to the actual damages or minimum
732 damages for the association's willful failure to comply. Minimum
733 damages are \$50 per calendar day for up to 10 days, beginning on
734 the 11th working day after receipt of the written request. The
735 failure to permit inspection entitles any person prevailing in
736 an enforcement action to recover reasonable attorney fees from
737 the person in control of the records who, directly or
738 indirectly, knowingly denied access to the records. If the
739 requested records are posted on an association's website, or are
740 available for download through an application on a mobile
741 device, the association may fulfill its obligations as provided
742 under this paragraph by directing all persons authorized to
743 request access to official records pursuant to this paragraph to
744 the website or mobile device application.

745 b. In response to a written request to inspect records, the
746 association must simultaneously provide a checklist to the
747 requestor of all records made available for inspection and
748 copying. The checklist must also identify any of the
749 association's official records that were not made available to
750 the requestor. An association must maintain a checklist provided
751 under this sub-subparagraph for 7 years. An association
752 delivering a checklist pursuant to this sub-subparagraph creates
753 a rebuttable presumption that the association has complied with
754 this paragraph.

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755 2. Any director or member of the board or association or a
756 community association manager who knowingly, willfully, and
757 repeatedly violates subparagraph 1. with the intent of causing
758 harm to the association or one or more of its members commits a
759 misdemeanor of the second degree, punishable as provided in s.
760 775.082 or s. 775.083. For purposes of this subparagraph, the
761 term "repeatedly" means two or more violations within a 12-month
762 period.

763 ~~3.2.~~ Any person who knowingly or intentionally defaces or
764 destroys accounting records that are required by this chapter to
765 be maintained during the period for which such records are
766 required to be maintained, or who knowingly or intentionally
767 fails to create or maintain accounting records that are required
768 to be created or maintained, with the intent of causing harm to
769 the association or one or more of its members, commits a
770 misdemeanor of the first degree, punishable as provided in s.
771 775.082 or s. 775.083, and is personally subject to a civil
772 penalty pursuant to s. 718.501(1)(d).

773 4. Any person who willfully and knowingly refuses to
774 release or otherwise produce association records with the intent
775 to avoid or escape detection, arrest, trial, or punishment for
776 the commission of a crime, or to assist another person with such
777 avoidance or escape, commits a felony of the third degree,
778 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

779 ~~5.3.~~ The association shall maintain an adequate number of
780 copies of the declaration, articles of incorporation, bylaws,
781 and rules, and all amendments to each of the foregoing, as well
782 as the question and answer sheet as described in s. 718.504 and
783 year-end financial information required under this section, on

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784 the condominium property to ensure their availability to unit
785 owners and prospective purchasers, and may charge its actual
786 costs for preparing and furnishing these documents to those
787 requesting the documents. An association shall allow a member or
788 his or her authorized representative to use a portable device,
789 including a smartphone, tablet, portable scanner, or any other
790 technology capable of scanning or taking photographs, to make an
791 electronic copy of the official records in lieu of the
792 association's providing the member or his or her authorized
793 representative with a copy of such records. The association may
794 not charge a member or his or her authorized representative for
795 the use of a portable device. Notwithstanding this paragraph,
796 the following records are not accessible to unit owners:

797 a. Any record protected by the lawyer-client privilege as
798 described in s. 90.502 and any record protected by the work-
799 product privilege, including a record prepared by an association
800 attorney or prepared at the attorney's express direction, which
801 reflects a mental impression, conclusion, litigation strategy,
802 or legal theory of the attorney or the association, and which
803 was prepared exclusively for civil or criminal litigation or for
804 adversarial administrative proceedings, or which was prepared in
805 anticipation of such litigation or proceedings until the
806 conclusion of the litigation or proceedings.

807 b. Information obtained by an association in connection
808 with the approval of the lease, sale, or other transfer of a
809 unit.

810 c. Personnel records of association or management company
811 employees, including, but not limited to, disciplinary, payroll,
812 health, and insurance records. For purposes of this sub-

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813 subparagraph, the term "personnel records" does not include
814 written employment agreements with an association employee or
815 management company, or budgetary or financial records that
816 indicate the compensation paid to an association employee.

817 d. Medical records of unit owners.

818 e. Social security numbers, driver license numbers, credit
819 card numbers, e-mail addresses, telephone numbers, facsimile
820 numbers, emergency contact information, addresses of a unit
821 owner other than as provided to fulfill the association's notice
822 requirements, and other personal identifying information of any
823 person, excluding the person's name, unit designation, mailing
824 address, property address, and any address, e-mail address, or
825 facsimile number provided to the association to fulfill the
826 association's notice requirements. Notwithstanding the
827 restrictions in this sub-subparagraph, an association may print
828 and distribute to unit owners a directory containing the name,
829 unit address, and all telephone numbers of each unit owner.
830 However, an owner may exclude his or her telephone numbers from
831 the directory by so requesting in writing to the association. An
832 owner may consent in writing to the disclosure of other contact
833 information described in this sub-subparagraph. The association
834 is not liable for the inadvertent disclosure of information that
835 is protected under this sub-subparagraph if the information is
836 included in an official record of the association and is
837 voluntarily provided by an owner and not requested by the
838 association.

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

841 g. The software and operating system used by the

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842 association which allow the manipulation of data, even if the
843 owner owns a copy of the same software used by the association.
844 The data is part of the official records of the association.

845 h. All affirmative acknowledgments made pursuant to s.
846 718.121(4)(c).

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

849 (e)1. The association or its authorized agent is not
850 required to provide a prospective purchaser or lienholder with
851 information about the condominium or the association other than
852 information or documents required by this chapter to be made
853 available or disclosed. The association or its authorized agent
854 may charge a reasonable fee to the prospective purchaser,
855 lienholder, or the current unit owner for providing good faith
856 responses to requests for information by or on behalf of a
857 prospective purchaser or lienholder, other than that required by
858 law, if the fee does not exceed \$150 plus the reasonable cost of
859 photocopying and any attorney's fees incurred by the association
860 in connection with the response.

861 2. An association and its authorized agent are not liable
862 for providing such information in good faith pursuant to a
863 written request if the person providing the information includes
864 a written statement in substantially the following form: "The
865 responses herein are made in good faith and to the best of my
866 ability as to their accuracy."

867 (f) An outgoing board or committee member must relinquish
868 all official records and property of the association in his or
869 her possession or under his or her control to the incoming board
870 within 5 days after the election. The division shall impose a

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871 civil penalty as set forth in s. 718.501(1)(d)6. against an
872 outgoing board or committee member who willfully and knowingly
873 fails to relinquish such records and property.

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

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

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

883 (II) A website, application, or web portal operated by a
884 third-party provider with whom the association owns, leases,
885 rents, or otherwise obtains the right to operate a web page,
886 subpage, web portal, collection of subpages or web portals, or
887 an application which is dedicated to the association's
888 activities and on which required notices, records, and documents
889 may be posted or made available by the association.

890 b. The association's website or application must be
891 accessible through the Internet and must contain a subpage, web
892 portal, or other protected electronic location that is
893 inaccessible to the general public and accessible only to unit
894 owners and employees of the association.

895 c. Upon a unit owner's written request, the association
896 must provide the unit owner with a username and password and
897 access to the protected sections of the association's website or
898 application which contain any notices, records, or documents
899 that must be electronically provided.

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

902 a. The recorded declaration of condominium of each
903 condominium operated by the association and each amendment to
904 each declaration.

905 b. The recorded bylaws of the association and each
906 amendment to the bylaws.

907 c. The articles of incorporation of the association, or
908 other documents creating the association, and each amendment to
909 the articles of incorporation or other documents. The copy
910 posted pursuant to this sub-subparagraph must be a copy of the
911 articles of incorporation filed with the Department of State.

912 d. The rules of the association.

913 e. A list of all executory contracts or documents to which
914 the association is a party or under which the association or the
915 unit owners have an obligation or responsibility and, after
916 bidding for the related materials, equipment, or services has
917 closed, a list of bids received by the association within the
918 past year. Summaries of bids for materials, equipment, or
919 services which exceed \$500 must be maintained on the website or
920 application for 1 year. In lieu of summaries, complete copies of
921 the bids may be posted.

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

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

927 h. The certification of each director required by s.
928 718.112(2)(d)4.b.

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929 i. All contracts or transactions between the association
930 and any director, officer, corporation, firm, or association
931 that is not an affiliated condominium association or any other
932 entity in which an association director is also a director or
933 officer and financially interested.

934 j. Any contract or document regarding a conflict of
935 interest or possible conflict of interest as provided in ss.
936 468.4335, 468.436(2)(b)6., and 718.3027(3).

937 k. The notice of any unit owner meeting and the agenda for
938 the meeting, as required by s. 718.112(2)(d)3., no later than 14
939 days before the meeting. The notice must be posted in plain view
940 on the front page of the website or application, or on a
941 separate subpage of the website or application labeled "Notices"
942 which is conspicuously visible and linked from the front page.
943 The association must also post on its website or application any
944 document to be considered and voted on by the owners during the
945 meeting or any document listed on the agenda at least 7 days
946 before the meeting at which the document or the information
947 within the document will be considered.

948 l. Notice of any board meeting, the agenda, and any other
949 document required for the meeting as required by s.
950 718.112(2)(c), which must be posted no later than the date
951 required for notice under s. 718.112(2)(c).

952 m. The inspection reports described in ss. 553.899 and
953 718.301(4)(p) and any other inspection report relating to a
954 structural or life safety inspection of condominium property.

955 n. The association's most recent structural integrity
956 reserve study, if applicable.

957 o. Copies of all building permits issued for ongoing or

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958 planned construction.

959 3. The association shall ensure that the information and
960 records described in paragraph (c), which are not allowed to be
961 accessible to unit owners, are not posted on the association's
962 website or application. If protected information or information
963 restricted from being accessible to unit owners is included in
964 documents that are required to be posted on the association's
965 website or application, the association shall ensure the
966 information is redacted before posting the documents.

967 Notwithstanding the foregoing, the association or its agent is
968 not liable for disclosing information that is protected or
969 restricted under this paragraph unless such disclosure was made
970 with a knowing or intentional disregard of the protected or
971 restricted nature of such information.

972 4. The failure of the association to post information
973 required under subparagraph 2. is not in and of itself
974 sufficient to invalidate any action or decision of the
975 association's board or its committees.

976 (13) FINANCIAL REPORTING.—Within 90 days after the end of
977 the fiscal year, or annually on a date provided in the bylaws,
978 the association shall prepare and complete, or contract for the
979 preparation and completion of, a financial report for the
980 preceding fiscal year. Within 21 days after the final financial
981 report is completed by the association or received from the
982 third party, but not later than 120 days after the end of the
983 fiscal year or other date as provided in the bylaws, the
984 association shall deliver ~~mail~~ to each unit owner, by United
985 States mail or personal delivery at the mailing address,
986 property address, e-mail address, or facsimile number provided

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987 to fulfill the association's notice requirements at the address
988 ~~last furnished to the association by the unit owner, or hand~~
989 ~~deliver to each unit owner,~~ a copy of the most recent financial
990 report or a notice that a copy of the most recent financial
991 report will be mailed or hand delivered to the unit owner,
992 without charge, within 5 business days after receipt of a
993 written request from the unit owner. The division shall adopt
994 rules setting forth uniform accounting principles and standards
995 to be used by all associations and addressing the financial
996 reporting requirements for multicondominium associations. The
997 rules must include, but not be limited to, standards for
998 presenting a summary of association reserves, including a good
999 faith estimate disclosing the annual amount of reserve funds
1000 that would be necessary for the association to fully fund
1001 reserves for each reserve item based on the straight-line
1002 accounting method. This disclosure is not applicable to reserves
1003 funded via the pooling method. In adopting such rules, the
1004 division shall consider the number of members and annual
1005 revenues of an association. Financial reports shall be prepared
1006 as follows:

1007 (a) An association that meets the criteria of this
1008 paragraph shall prepare a complete set of financial statements
1009 in accordance with generally accepted accounting principles. The
1010 financial statements must be based upon the association's total
1011 annual revenues, as follows:

1012 1. An association with total annual revenues of \$150,000 or
1013 more, but less than \$300,000, shall prepare compiled financial
1014 statements.

1015 2. An association with total annual revenues of at least

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1016 \$300,000, but less than \$500,000, shall prepare reviewed
1017 financial statements.

1018 3. An association with total annual revenues of \$500,000 or
1019 more shall prepare audited financial statements.

1020 (b)1. An association with total annual revenues of less
1021 than \$150,000 shall prepare a report of cash receipts and
1022 expenditures.

1023 2. A report of cash receipts and disbursements must
1024 disclose the amount of receipts by accounts and receipt
1025 classifications and the amount of expenses by accounts and
1026 expense classifications, including, but not limited to, the
1027 following, as applicable: costs for security, professional and
1028 management fees and expenses, taxes, costs for recreation
1029 facilities, expenses for refuse collection and utility services,
1030 expenses for lawn care, costs for building maintenance and
1031 repair, insurance costs, administration and salary expenses, and
1032 reserves accumulated and expended for capital expenditures,
1033 planned ~~deferred~~ maintenance, and any other category for which
1034 the association maintains reserves.

1035 (c) An association may prepare, without a meeting of or
1036 approval by the unit owners:

1037 1. Compiled, reviewed, or audited financial statements, if
1038 the association is required to prepare a report of cash receipts
1039 and expenditures;

1040 2. Reviewed or audited financial statements, if the
1041 association is required to prepare compiled financial
1042 statements; or

1043 3. Audited financial statements if the association is
1044 required to prepare reviewed financial statements.

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1045 (d) If approved by a majority of the voting interests
1046 present at a properly called meeting of the association, an
1047 association may prepare:

1048 1. A report of cash receipts and expenditures in lieu of a
1049 compiled, reviewed, or audited financial statement;

1050 2. A report of cash receipts and expenditures or a compiled
1051 financial statement in lieu of a reviewed or audited financial
1052 statement; or

1053 3. A report of cash receipts and expenditures, a compiled
1054 financial statement, or a reviewed financial statement in lieu
1055 of an audited financial statement.

1056
1057 Such meeting and approval must occur before the end of the
1058 fiscal year and is effective only for the fiscal year in which
1059 the vote is taken. An association may not prepare a financial
1060 report pursuant to this paragraph for consecutive fiscal years,
1061 ~~except that the approval may also be effective for the following~~
1062 ~~fiscal year.~~ If the developer has not turned over control of the
1063 association, all unit owners, including the developer, may vote
1064 on issues related to the preparation of the association's
1065 financial reports, from the date of incorporation of the
1066 association through the end of the second fiscal year after the
1067 fiscal year in which the certificate of a surveyor and mapper is
1068 recorded pursuant to s. 718.104(4)(e) or an instrument that
1069 transfers title to a unit in the condominium which is not
1070 accompanied by a recorded assignment of developer rights in
1071 favor of the grantee of such unit is recorded, whichever occurs
1072 first. Thereafter, all unit owners except the developer may vote
1073 on such issues until control is turned over to the association

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1074 by the developer. Any audit or review prepared under this
1075 section shall be paid for by the developer if done before
1076 turnover of control of the association.

1077 (e) A unit owner may provide written notice to the division
1078 of the association's failure to mail or hand deliver him or her
1079 a copy of the most recent financial report within 5 business
1080 days after he or she submitted a written request to the
1081 association for a copy of such report. If the division
1082 determines that the association failed to mail or hand deliver a
1083 copy of the most recent financial report to the unit owner, the
1084 division shall provide written notice to the association that
1085 the association must mail or hand deliver a copy of the most
1086 recent financial report to the unit owner and the division
1087 within 5 business days after it receives such notice from the
1088 division. An association that fails to comply with the
1089 division's request may not waive the financial reporting
1090 requirement provided in paragraph (d) for the fiscal year in
1091 which the unit owner's request was made and the following fiscal
1092 year. A financial report received by the division pursuant to
1093 this paragraph shall be maintained, and the division shall
1094 provide a copy of such report to an association member upon his
1095 or her request.

1096 (15) DEBIT CARDS.—

1097 (a) An association and its officers, directors, employees,
1098 and agents may not use a debit card issued in the name of the
1099 association, or billed directly to the association, for the
1100 payment of any association expense.

1101 (b) A person who uses ~~Use of~~ a debit card issued in the
1102 name of the association, or billed directly to the association,

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1103 for any expense that is not a lawful obligation of the
1104 association commits theft under s. 812.014. For the purposes of
1105 this paragraph, the term "lawful obligation of the association"
1106 means an obligation that has been properly preapproved by the
1107 board and is reflected in the meeting minutes or the written
1108 budget ~~may be prosecuted as credit card fraud pursuant to s.~~
1109 ~~817.61.~~

1110 Section 10. Effective January 1, 2026, paragraph (g) of
1111 subsection (12) of section 718.111, Florida Statutes, as amended
1112 by this act, is amended to read:

1113 718.111 The association.—

1114 (12) OFFICIAL RECORDS.—

1115 (g)1. ~~By January 1, 2019,~~ An association managing a
1116 condominium with 25 ~~150~~ or more units which does not contain
1117 timeshare units shall post digital copies of the documents
1118 specified in subparagraph 2. on its website or make such
1119 documents available through an application that can be
1120 downloaded on a mobile device.

1121 a. The association's website or application must be:

1122 (I) An independent website, application, or web portal
1123 wholly owned and operated by the association; or

1124 (II) A website, application, or web portal operated by a
1125 third-party provider with whom the association owns, leases,
1126 rents, or otherwise obtains the right to operate a web page,
1127 subpage, web portal, collection of subpages or web portals, or
1128 an application which is dedicated to the association's
1129 activities and on which required notices, records, and documents
1130 may be posted or made available by the association.

1131 b. The association's website or application must be

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1132 accessible through the Internet and must contain a subpage, web
1133 portal, or other protected electronic location that is
1134 inaccessible to the general public and accessible only to unit
1135 owners and employees of the association.

1136 c. Upon a unit owner's written request, the association
1137 must provide the unit owner with a username and password and
1138 access to the protected sections of the association's website or
1139 application which contain any notices, records, or documents
1140 that must be electronically provided.

1141 2. A current copy of the following documents must be posted
1142 in digital format on the association's website or application:

1143 a. The recorded declaration of condominium of each
1144 condominium operated by the association and each amendment to
1145 each declaration.

1146 b. The recorded bylaws of the association and each
1147 amendment to the bylaws.

1148 c. The articles of incorporation of the association, or
1149 other documents creating the association, and each amendment to
1150 the articles of incorporation or other documents. The copy
1151 posted pursuant to this sub-subparagraph must be a copy of the
1152 articles of incorporation filed with the Department of State.

1153 d. The rules of the association.

1154 e. A list of all executory contracts or documents to which
1155 the association is a party or under which the association or the
1156 unit owners have an obligation or responsibility and, after
1157 bidding for the related materials, equipment, or services has
1158 closed, a list of bids received by the association within the
1159 past year. Summaries of bids for materials, equipment, or
1160 services which exceed \$500 must be maintained on the website or

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1161 application for 1 year. In lieu of summaries, complete copies of
1162 the bids may be posted.

1163 f. The annual budget required by s. 718.112(2)(f) and any
1164 proposed budget to be considered at the annual meeting.

1165 g. The financial report required by subsection (13) and any
1166 monthly income or expense statement to be considered at a
1167 meeting.

1168 h. The certification of each director required by s.
1169 718.112(2)(d)4.b.

1170 i. All contracts or transactions between the association
1171 and any director, officer, corporation, firm, or association
1172 that is not an affiliated condominium association or any other
1173 entity in which an association director is also a director or
1174 officer and financially interested.

1175 j. Any contract or document regarding a conflict of
1176 interest or possible conflict of interest as provided in ss.
1177 468.4335, 468.436(2)(b)6., and 718.3027(3).

1178 k. The notice of any unit owner meeting and the agenda for
1179 the meeting, as required by s. 718.112(2)(d)3., no later than 14
1180 days before the meeting. The notice must be posted in plain view
1181 on the front page of the website or application, or on a
1182 separate subpage of the website or application labeled "Notices"
1183 which is conspicuously visible and linked from the front page.
1184 The association must also post on its website or application any
1185 document to be considered and voted on by the owners during the
1186 meeting or any document listed on the agenda at least 7 days
1187 before the meeting at which the document or the information
1188 within the document will be considered.

1189 l. Notice of any board meeting, the agenda, and any other

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1190 document required for the meeting as required by s.
1191 718.112(2)(c), which must be posted no later than the date
1192 required for notice under s. 718.112(2)(c).

1193 m. The inspection reports described in ss. 553.899 and
1194 718.301(4)(p) and any other inspection report relating to a
1195 structural or life safety inspection of condominium property.

1196 n. The association's most recent structural integrity
1197 reserve study, if applicable.

1198 o. Copies of all building permits issued for ongoing or
1199 planned construction.

1200 3. The association shall ensure that the information and
1201 records described in paragraph (c), which are not allowed to be
1202 accessible to unit owners, are not posted on the association's
1203 website or application. If protected information or information
1204 restricted from being accessible to unit owners is included in
1205 documents that are required to be posted on the association's
1206 website or application, the association shall ensure the
1207 information is redacted before posting the documents.

1208 Notwithstanding the foregoing, the association or its agent is
1209 not liable for disclosing information that is protected or
1210 restricted under this paragraph unless such disclosure was made
1211 with a knowing or intentional disregard of the protected or
1212 restricted nature of such information.

1213 4. The failure of the association to post information
1214 required under subparagraph 2. is not in and of itself
1215 sufficient to invalidate any action or decision of the
1216 association's board or its committees.

1217 Section 11. Paragraphs (c), (d), (f), (g), and (q) of
1218 subsection (2) of section 718.112, Florida Statutes, are

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1219 amended, and paragraph (r) is added to that subsection, to read:

1220 718.112 Bylaws.—

1221 (2) REQUIRED PROVISIONS.—The bylaws shall provide for the
1222 following and, if they do not do so, shall be deemed to include
1223 the following:

1224 (c) *Board of administration meetings.*—In a residential
1225 condominium association of more than 10 units, the board of
1226 administration shall meet at least once each quarter. At least
1227 four times each year, the meeting agenda must include an
1228 opportunity for members to ask questions. Meetings of the board
1229 of administration at which a quorum of the members is present
1230 are open to all unit owners. Members of the board of
1231 administration may use e-mail as a means of communication but
1232 may not cast a vote on an association matter via e-mail. A unit
1233 owner may tape record or videotape the meetings. The right to
1234 attend such meetings includes the right to speak at such
1235 meetings with reference to all designated agenda items, and the
1236 right to ask questions with respect to reports on the status of
1237 construction or repair projects, status of revenues and
1238 expenditures during the current fiscal year, and other issues
1239 affecting the condominium. The division shall adopt reasonable
1240 rules governing the tape recording and videotaping of the
1241 meeting. The association may adopt written reasonable rules
1242 governing the frequency, duration, and manner of unit owner
1243 statements.

1244 1. Adequate notice of all board meetings, which must
1245 specifically identify all agenda items, must be posted
1246 conspicuously on the condominium property at least 48 continuous
1247 hours before the meeting except in an emergency. If 20 percent

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1248 of the voting interests petition the board to address an item of
1249 business, the board, within 60 days after receipt of the
1250 petition, shall place the item on the agenda at its next regular
1251 board meeting or at a special meeting called for that purpose.
1252 An item not included on the notice may be taken up on an
1253 emergency basis by a vote of at least a majority plus one of the
1254 board members. Such emergency action must be noticed and
1255 ratified at the next regular board meeting. Written notice of a
1256 meeting at which a nonemergency special assessment or an
1257 amendment to rules regarding unit use will be considered must be
1258 mailed, delivered, or electronically transmitted to the unit
1259 owners and posted conspicuously on the condominium property at
1260 least 14 days before the meeting. Evidence of compliance with
1261 this 14-day notice requirement must be made by an affidavit
1262 executed by the person providing the notice and filed with the
1263 official records of the association. ~~Notice of any meeting in
1264 which regular or special assessments against unit owners are to
1265 be considered must specifically state that assessments will be
1266 considered and provide the estimated cost and description of the
1267 purposes for such assessments.~~

1268 2. Upon notice to the unit owners, the board shall, by duly
1269 adopted rule, designate a specific location on the condominium
1270 property where all notices of board meetings must be posted. If
1271 there is no condominium property where notices can be posted,
1272 notices shall be mailed, delivered, or electronically
1273 transmitted to each unit owner at least 14 days before the
1274 meeting. In lieu of or in addition to the physical posting of
1275 the notice on the condominium property, the association may, by
1276 reasonable rule, adopt a procedure for conspicuously posting and

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1277 repeatedly broadcasting the notice and the agenda on a closed-
1278 circuit cable television system serving the condominium
1279 association. However, if broadcast notice is used in lieu of a
1280 notice physically posted on condominium property, the notice and
1281 agenda must be broadcast at least four times every broadcast
1282 hour of each day that a posted notice is otherwise required
1283 under this section. If broadcast notice is provided, the notice
1284 and agenda must be broadcast in a manner and for a sufficient
1285 continuous length of time so as to allow an average reader to
1286 observe the notice and read and comprehend the entire content of
1287 the notice and the agenda. In addition to any of the authorized
1288 means of providing notice of a meeting of the board, the
1289 association may, by rule, adopt a procedure for conspicuously
1290 posting the meeting notice and the agenda on a website serving
1291 the condominium association for at least the minimum period of
1292 time for which a notice of a meeting is also required to be
1293 physically posted on the condominium property. Any rule adopted
1294 shall, in addition to other matters, include a requirement that
1295 the association send an electronic notice in the same manner as
1296 a notice for a meeting of the members, which must include a
1297 hyperlink to the website where the notice is posted, to unit
1298 owners whose e-mail addresses are included in the association's
1299 official records.

1300 3. Notice of any meeting in which regular or special
1301 assessments against unit owners are to be considered must
1302 specifically state that assessments will be considered and
1303 provide the estimated cost and description of the purposes for
1304 such assessments. If an agenda item relates to the approval of a
1305 contract for goods or services, a copy of the contract must be

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1306 provided with the notice, made available for inspection and
1307 copying upon a written request from a unit owner, or made
1308 available on the association's website or through an application
1309 that can be downloaded on a mobile device.

1310 ~~4.2.~~ Meetings of a committee to take final action on behalf
1311 of the board or make recommendations to the board regarding the
1312 association budget are subject to this paragraph. Meetings of a
1313 committee that does not take final action on behalf of the board
1314 or make recommendations to the board regarding the association
1315 budget are subject to this section, unless those meetings are
1316 exempted from this section by the bylaws of the association.

1317 ~~5.3.~~ Notwithstanding any other law, the requirement that
1318 board meetings and committee meetings be open to the unit owners
1319 does not apply to:

1320 a. Meetings between the board or a committee and the
1321 association's attorney, with respect to proposed or pending
1322 litigation, if the meeting is held for the purpose of seeking or
1323 rendering legal advice; or

1324 b. Board meetings held for the purpose of discussing
1325 personnel matters.

1326 (d) *Unit owner meetings.*—

1327 1. An annual meeting of the unit owners must be held at the
1328 location provided in the association bylaws and, if the bylaws
1329 are silent as to the location, the meeting must be held within
1330 45 miles of the condominium property. However, such distance
1331 requirement does not apply to an association governing a
1332 timeshare condominium.

1333 2. Unless the bylaws provide otherwise, a vacancy on the
1334 board caused by the expiration of a director's term must be

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1335 filled by electing a new board member, and the election must be
1336 by secret ballot. An election is not required if the number of
1337 vacancies equals or exceeds the number of candidates. For
1338 purposes of this paragraph, the term "candidate" means an
1339 eligible person who has timely submitted the written notice, as
1340 described in sub-subparagraph 4.a., of his or her intention to
1341 become a candidate. Except in a timeshare or nonresidential
1342 condominium, or if the staggered term of a board member does not
1343 expire until a later annual meeting, or if all members' terms
1344 would otherwise expire but there are no candidates, the terms of
1345 all board members expire at the annual meeting, and such members
1346 may stand for reelection unless prohibited by the bylaws. Board
1347 members may serve terms longer than 1 year if permitted by the
1348 bylaws or articles of incorporation. A board member may not
1349 serve more than 8 consecutive years unless approved by an
1350 affirmative vote of unit owners representing two-thirds of all
1351 votes cast in the election or unless there are not enough
1352 eligible candidates to fill the vacancies on the board at the
1353 time of the vacancy. Only board service that occurs on or after
1354 July 1, 2018, may be used when calculating a board member's term
1355 limit. If the number of board members whose terms expire at the
1356 annual meeting equals or exceeds the number of candidates, the
1357 candidates become members of the board effective upon the
1358 adjournment of the annual meeting. Unless the bylaws provide
1359 otherwise, any remaining vacancies shall be filled by the
1360 affirmative vote of the majority of the directors making up the
1361 newly constituted board even if the directors constitute less
1362 than a quorum or there is only one director. In a residential
1363 condominium association of more than 10 units or in a

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1364 residential condominium association that does not include
1365 timeshare units or timeshare interests, co-owners of a unit may
1366 not serve as members of the board of directors at the same time
1367 unless they own more than one unit or unless there are not
1368 enough eligible candidates to fill the vacancies on the board at
1369 the time of the vacancy. A unit owner in a residential
1370 condominium desiring to be a candidate for board membership must
1371 comply with sub-subparagraph 4.a. and must be eligible to be a
1372 candidate to serve on the board of directors at the time of the
1373 deadline for submitting a notice of intent to run in order to
1374 have his or her name listed as a proper candidate on the ballot
1375 or to serve on the board. A person who has been suspended or
1376 removed by the division under this chapter, or who is delinquent
1377 in the payment of any assessment due to the association, is not
1378 eligible to be a candidate for board membership and may not be
1379 listed on the ballot. For purposes of this paragraph, a person
1380 is delinquent if a payment is not made by the due date as
1381 specifically identified in the declaration of condominium,
1382 bylaws, or articles of incorporation. If a due date is not
1383 specifically identified in the declaration of condominium,
1384 bylaws, or articles of incorporation, the due date is the first
1385 day of the assessment period. A person who has been convicted of
1386 any felony in this state or in a United States District or
1387 Territorial Court, or who has been convicted of any offense in
1388 another jurisdiction which would be considered a felony if
1389 committed in this state, is not eligible for board membership
1390 unless such felon's civil rights have been restored for at least
1391 5 years as of the date such person seeks election to the board.
1392 The validity of an action by the board is not affected if it is

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1393 later determined that a board member is ineligible for board
1394 membership due to having been convicted of a felony. This
1395 subparagraph does not limit the term of a member of the board of
1396 a nonresidential or timeshare condominium.

1397 3. The bylaws must provide the method of calling meetings
1398 of unit owners, including annual meetings. Written notice of an
1399 annual meeting must include an agenda; be mailed, hand
1400 delivered, or electronically transmitted to each unit owner at
1401 least 14 days before the annual meeting; and be posted in a
1402 conspicuous place on the condominium property or association
1403 property at least 14 continuous days before the annual meeting.
1404 Written notice of a meeting other than an annual meeting must
1405 include an agenda; be mailed, hand delivered, or electronically
1406 transmitted to each unit owner; and be posted in a conspicuous
1407 place on the condominium property or association property within
1408 the timeframe specified in the bylaws. If the bylaws do not
1409 specify a timeframe for written notice of a meeting other than
1410 an annual meeting, notice must be provided at least 14
1411 continuous days before the meeting. Upon notice to the unit
1412 owners, the board shall, by duly adopted rule, designate a
1413 specific location on the condominium property or association
1414 property where all notices of unit owner meetings must be
1415 posted. This requirement does not apply if there is no
1416 condominium property for posting notices. In lieu of, or in
1417 addition to, the physical posting of meeting notices, the
1418 association may, by reasonable rule, adopt a procedure for
1419 conspicuously posting and repeatedly broadcasting the notice and
1420 the agenda on a closed-circuit cable television system serving
1421 the condominium association. However, if broadcast notice is

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1422 used in lieu of a notice posted physically on the condominium
1423 property, the notice and agenda must be broadcast at least four
1424 times every broadcast hour of each day that a posted notice is
1425 otherwise required under this section. If broadcast notice is
1426 provided, the notice and agenda must be broadcast in a manner
1427 and for a sufficient continuous length of time so as to allow an
1428 average reader to observe the notice and read and comprehend the
1429 entire content of the notice and the agenda. In addition to any
1430 of the authorized means of providing notice of a meeting of the
1431 board, the association may, by rule, adopt a procedure for
1432 conspicuously posting the meeting notice and the agenda on a
1433 website serving the condominium association for at least the
1434 minimum period of time for which a notice of a meeting is also
1435 required to be physically posted on the condominium property.
1436 Any rule adopted shall, in addition to other matters, include a
1437 requirement that the association send an electronic notice in
1438 the same manner as a notice for a meeting of the members, which
1439 must include a hyperlink to the website where the notice is
1440 posted, to unit owners whose e-mail addresses are included in
1441 the association's official records. Unless a unit owner waives
1442 in writing the right to receive notice of the annual meeting,
1443 such notice must be hand delivered, mailed, or electronically
1444 transmitted to each unit owner. Notice for meetings and notice
1445 for all other purposes must be mailed to each unit owner at the
1446 address last furnished to the association by the unit owner, or
1447 hand delivered to each unit owner. However, if a unit is owned
1448 by more than one person, the association must provide notice to
1449 the address that the developer identifies for that purpose and
1450 thereafter as one or more of the owners of the unit advise the

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1451 association in writing, or if no address is given or the owners
1452 of the unit do not agree, to the address provided on the deed of
1453 record. An officer of the association, or the manager or other
1454 person providing notice of the association meeting, must provide
1455 an affidavit or United States Postal Service certificate of
1456 mailing, to be included in the official records of the
1457 association affirming that the notice was mailed or hand
1458 delivered in accordance with this provision.

1459 4. The members of the board of a residential condominium
1460 shall be elected by written ballot or voting machine. Proxies
1461 may not be used in electing the board in general elections or
1462 elections to fill vacancies caused by recall, resignation, or
1463 otherwise, unless otherwise provided in this chapter. This
1464 subparagraph does not apply to an association governing a
1465 timeshare condominium.

1466 a. At least 60 days before a scheduled election, the
1467 association shall mail, deliver, or electronically transmit, by
1468 separate association mailing or included in another association
1469 mailing, delivery, or transmission, including regularly
1470 published newsletters, to each unit owner entitled to a vote, a
1471 first notice of the date of the election. A unit owner or other
1472 eligible person desiring to be a candidate for the board must
1473 give written notice of his or her intent to be a candidate to
1474 the association at least 40 days before a scheduled election.
1475 Together with the written notice and agenda as set forth in
1476 subparagraph 3., the association shall mail, deliver, or
1477 electronically transmit a second notice of the election to all
1478 unit owners entitled to vote, together with a ballot that lists
1479 all candidates not less than 14 days or more than 34 days before

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1480 the date of the election. Upon request of a candidate, an
1481 information sheet, no larger than 8 1/2 inches by 11 inches,
1482 which must be furnished by the candidate at least 35 days before
1483 the election, must be included with the mailing, delivery, or
1484 transmission of the ballot, with the costs of mailing, delivery,
1485 or electronic transmission and copying to be borne by the
1486 association. The association is not liable for the contents of
1487 the information sheets prepared by the candidates. In order to
1488 reduce costs, the association may print or duplicate the
1489 information sheets on both sides of the paper. The division
1490 shall by rule establish voting procedures consistent with this
1491 sub-subparagraph, including rules establishing procedures for
1492 giving notice by electronic transmission and rules providing for
1493 the secrecy of ballots. Elections shall be decided by a
1494 plurality of ballots cast. There is no quorum requirement;
1495 however, at least 20 percent of the eligible voters must cast a
1496 ballot in order to have a valid election. A unit owner may not
1497 authorize any other person to vote his or her ballot, and any
1498 ballots improperly cast are invalid. A unit owner who violates
1499 this provision may be fined by the association in accordance
1500 with s. 718.303. A unit owner who needs assistance in casting
1501 the ballot for the reasons stated in s. 101.051 may obtain such
1502 assistance. The regular election must occur on the date of the
1503 annual meeting. Notwithstanding this sub-subparagraph, an
1504 election is not required unless more candidates file notices of
1505 intent to run or are nominated than board vacancies exist.

1506 b. A director of a ~~Within 90 days after being elected or~~
1507 ~~appointed to the~~ board of an association of a residential
1508 ~~condominium, each newly elected or appointed director shall:~~

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1509 (I) Certify in writing to the secretary of the association
1510 that he or she has read the association's declaration of
1511 condominium, articles of incorporation, bylaws, and current
1512 written policies; that he or she will work to uphold such
1513 documents and policies to the best of his or her ability; and
1514 that he or she will faithfully discharge his or her fiduciary
1515 responsibility to the association's members. ~~In lieu of this~~
1516 ~~written certification, within 90 days after being elected or~~
1517 ~~appointed to the board, the newly elected or appointed director~~
1518 ~~may~~

1519 (II) Submit to the secretary of the association a
1520 certificate of having satisfactorily completed the educational
1521 curriculum administered by the division or a division-approved
1522 condominium education provider within 1 year before or 90 days
1523 after the date of election or appointment. The education
1524 curriculum must be least 4 hours long and include instruction on
1525 milestone inspections, structural integrity reserve studies,
1526 elections, recordkeeping, financial literacy and transparency,
1527 levying of fines, and notice and meeting requirements.

1528
1529 Each newly elected or appointed director must submit the written
1530 certification and educational certificate to the secretary of
1531 the association within 1 year before being elected or appointed
1532 or within 90 days after the date of election or appointment. A
1533 director of an association of a residential condominium who was
1534 elected or appointed before July 1, 2024, shall comply with the
1535 written certification and educational certificate requirements
1536 in this sub-subparagraph by June 30, 2025. The written
1537 certification and ~~or~~ educational certificate is valid for 7

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1538 years from the date of issuance and does not have to be
1539 resubmitted as long as the director serves on the board without
1540 interruption during the 7-year period. A director who is
1541 appointed by the developer may satisfy the educational
1542 certificate requirement in sub-sub-subparagraph (II) for any
1543 subsequent appointment to a board by a developer within 7 years
1544 after the date of issuance of the most recent educational
1545 certificate, including any interruption of service on a board or
1546 an appointment to a board in another association within that 7-
1547 year period. Additionally, 1 year after submission of the most
1548 recent written certification and educational certificate, and
1549 annually thereafter, a director of an association of a
1550 residential condominium must submit to the secretary of the
1551 association a certificate of having satisfactorily completed an
1552 educational curriculum administered by a division-approved
1553 condominium education provider, relating to any recent changes
1554 to this chapter and the related administrative rules, during the
1555 past year. The cost of a required educational curriculum and
1556 certificate is an expense of the association which the
1557 association may pay on behalf of the director or reimburse the
1558 director for his or her expense. A director of an association of
1559 a residential condominium who fails to timely file the written
1560 certification and ~~or~~ educational certificate is suspended from
1561 service on the board until he or she complies with this sub-
1562 subparagraph. The board may temporarily fill the vacancy during
1563 the period of suspension. The secretary shall cause the
1564 association to retain a director's written certification and ~~or~~
1565 educational certificate for inspection by the members for 7 ~~5~~
1566 years after a director's election or the duration of the

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1567 director's uninterrupted tenure, whichever is longer. Failure to
1568 have such written certification and ~~or~~ educational certificate
1569 on file does not affect the validity of any board action.

1570 c. Any challenge to the election process must be commenced
1571 within 60 days after the election results are announced.

1572 5. Any approval by unit owners called for by this chapter
1573 or the applicable declaration or bylaws, including, but not
1574 limited to, the approval requirement in s. 718.111(8), must be
1575 made at a duly noticed meeting of unit owners and is subject to
1576 all requirements of this chapter or the applicable condominium
1577 documents relating to unit owner decisionmaking, except that
1578 unit owners may take action by written agreement, without
1579 meetings, on matters for which action by written agreement
1580 without meetings is expressly allowed by the applicable bylaws
1581 or declaration or any law that provides for such action.

1582 6. Unit owners may waive notice of specific meetings if
1583 allowed by the applicable bylaws or declaration or any law.
1584 Notice of meetings of the board of administration; unit owner
1585 meetings, except unit owner meetings called to recall board
1586 members under paragraph (1); and committee meetings may be given
1587 by electronic transmission to unit owners who consent to receive
1588 notice by electronic transmission. A unit owner who consents to
1589 receiving notices by electronic transmission is solely
1590 responsible for removing or bypassing filters that block receipt
1591 of mass e-mails sent to members on behalf of the association in
1592 the course of giving electronic notices.

1593 7. Unit owners have the right to participate in meetings of
1594 unit owners with reference to all designated agenda items.
1595 However, the association may adopt reasonable rules governing

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1596 the frequency, duration, and manner of unit owner participation.

1597 8. A unit owner may tape record or videotape a meeting of
1598 the unit owners subject to reasonable rules adopted by the
1599 division.

1600 9. Unless otherwise provided in the bylaws, any vacancy
1601 occurring on the board before the expiration of a term may be
1602 filled by the affirmative vote of the majority of the remaining
1603 directors, even if the remaining directors constitute less than
1604 a quorum, or by the sole remaining director. In the alternative,
1605 a board may hold an election to fill the vacancy, in which case
1606 the election procedures must conform to sub-subparagraph 4.a.
1607 unless the association governs 10 units or fewer and has opted
1608 out of the statutory election process, in which case the bylaws
1609 of the association control. Unless otherwise provided in the
1610 bylaws, a board member appointed or elected under this section
1611 shall fill the vacancy for the unexpired term of the seat being
1612 filled. Filling vacancies created by recall is governed by
1613 paragraph (1) and rules adopted by the division.

1614 10. This chapter does not limit the use of general or
1615 limited proxies, require the use of general or limited proxies,
1616 or require the use of a written ballot or voting machine for any
1617 agenda item or election at any meeting of a timeshare
1618 condominium association or nonresidential condominium
1619 association.

1620
1621 Notwithstanding subparagraph (b)2. and sub-subparagraph 4.a., an
1622 association of 10 or fewer units may, by affirmative vote of a
1623 majority of the total voting interests, provide for different
1624 voting and election procedures in its bylaws, which may be by a

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1625 proxy specifically delineating the different voting and election
1626 procedures. The different voting and election procedures may
1627 provide for elections to be conducted by limited or general
1628 proxy.

1629 (f) *Annual budget.*—

1630 1. The proposed annual budget of estimated revenues and
1631 expenses must be detailed and must show the amounts budgeted by
1632 accounts and expense classifications, including, at a minimum,
1633 any applicable expenses listed in s. 718.504(21). The board
1634 shall adopt the annual budget at least 14 days before the start
1635 of the association's fiscal year. In the event that the board
1636 fails to timely adopt the annual budget a second time, it is
1637 deemed a minor violation and the prior year's budget shall
1638 continue in effect until a new budget is adopted. A
1639 multicondominium association must adopt a separate budget of
1640 common expenses for each condominium the association operates
1641 and must adopt a separate budget of common expenses for the
1642 association. In addition, if the association maintains limited
1643 common elements with the cost to be shared only by those
1644 entitled to use the limited common elements as provided for in
1645 s. 718.113(1), the budget or a schedule attached to it must show
1646 the amount budgeted for this maintenance. If, after turnover of
1647 control of the association to the unit owners, any of the
1648 expenses listed in s. 718.504(21) are not applicable, they do
1649 not need to be listed.

1650 2.a. In addition to annual operating expenses, the budget
1651 must include reserve accounts for capital expenditures and
1652 planned ~~deferred~~ maintenance. These accounts must include, but
1653 are not limited to, roof replacement, building painting, and

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1654 pavement resurfacing, regardless of the amount of planned
1655 ~~deferred~~ maintenance expense or replacement cost, and any other
1656 item that has a planned ~~deferred~~ maintenance expense or
1657 replacement cost that exceeds \$10,000. The amount to be reserved
1658 must be computed using a formula based upon estimated remaining
1659 useful life and estimated replacement cost or planned ~~deferred~~
1660 maintenance expense of the reserve item. In a budget adopted by
1661 an association that is required to obtain a structural integrity
1662 reserve study, reserves must be maintained for the items
1663 identified in paragraph (g) for which the association is
1664 responsible pursuant to the declaration of condominium, and the
1665 reserve amount for such items must be based on the findings and
1666 recommendations of the association's most recent structural
1667 integrity reserve study. With respect to items for which an
1668 estimate of useful life is not readily ascertainable or with an
1669 estimated remaining useful life of greater than 25 years, an
1670 association is not required to reserve replacement costs for
1671 such items, but an association must reserve the amount of
1672 planned ~~deferred~~ maintenance expense, if any, which is
1673 recommended by the structural integrity reserve study for such
1674 items. The association may adjust replacement reserve
1675 assessments annually to take into account an inflation
1676 adjustment and any changes in estimates or extension of the
1677 useful life of a reserve item caused by planned ~~deferred~~
1678 maintenance. The members of a unit-owner-controlled association
1679 may determine, by a majority vote of the total voting interests
1680 of the association, to provide no reserves or less reserves than
1681 required by this subsection. For a budget adopted on or after
1682 December 31, 2024, the members of a unit-owner-controlled

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1683 association that must obtain a structural integrity reserve
1684 study may not determine to provide no reserves or less reserves
1685 than required by this subsection for items listed in paragraph
1686 (g), except that members of an association operating a
1687 multicondominium may determine to provide no reserves or less
1688 reserves than required by this subsection if an alternative
1689 funding method has been approved by the division. If the local
1690 building official, as defined in s. 468.603, determines that the
1691 entire condominium building is uninhabitable due to a natural
1692 emergency, as defined in s. 252.34, the board, upon the approval
1693 of a majority of its members, may pause the contribution to its
1694 reserves or reduce reserve funding until the local building
1695 official determines that the condominium building is habitable.
1696 Any reserve account funds held by the association may be
1697 expended, pursuant to the board's determination, to make the
1698 condominium building and its structures habitable. Upon the
1699 determination by the local building official that the
1700 condominium building and its structures are habitable, the
1701 association must immediately resume contributing funds to its
1702 reserves.

1703 b. Before turnover of control of an association by a
1704 developer to unit owners other than a developer under s.
1705 718.301, the developer-controlled association may not vote to
1706 waive the reserves or reduce funding of the reserves. If a
1707 meeting of the unit owners has been called to determine whether
1708 to waive or reduce the funding of reserves and no such result is
1709 achieved or a quorum is not attained, the reserves included in
1710 the budget shall go into effect. After the turnover, the
1711 developer may vote its voting interest to waive or reduce the

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1712 funding of reserves.

1713 3. Reserve funds and any interest accruing thereon shall
1714 remain in the reserve account or accounts, and may be used only
1715 for authorized reserve expenditures unless their use for other
1716 purposes is approved in advance by a majority vote of all the
1717 total voting interests of the association. Before turnover of
1718 control of an association by a developer to unit owners other
1719 than the developer pursuant to s. 718.301, the developer-
1720 controlled association may not vote to use reserves for purposes
1721 other than those for which they were intended. For a budget
1722 adopted on or after December 31, 2024, members of a unit-owner-
1723 controlled association that must obtain a structural integrity
1724 reserve study may not vote to use reserve funds, or any interest
1725 accruing thereon, for any other purpose other than the
1726 replacement or planned ~~deferred~~ maintenance costs of the
1727 components listed in paragraph (g).

1728 4. The only voting interests that are eligible to vote on
1729 questions that involve waiving or reducing the funding of
1730 reserves, or using existing reserve funds for purposes other
1731 than purposes for which the reserves were intended, are the
1732 voting interests of the units subject to assessment to fund the
1733 reserves in question. Proxy questions relating to waiving or
1734 reducing the funding of reserves or using existing reserve funds
1735 for purposes other than purposes for which the reserves were
1736 intended must contain the following statement in capitalized,
1737 bold letters in a font size larger than any other used on the
1738 face of the proxy ballot: WAIVING OF RESERVES, IN WHOLE OR IN
1739 PART, OR ALLOWING ALTERNATIVE USES OF EXISTING RESERVES MAY
1740 RESULT IN UNIT OWNER LIABILITY FOR PAYMENT OF UNANTICIPATED

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1741 SPECIAL ASSESSMENTS REGARDING THOSE ITEMS.

1742 (g) *Structural integrity reserve study.*—

1743 1. A residential condominium association must have a
1744 structural integrity reserve study completed at least every 10
1745 years after the condominium's creation for each building on the
1746 condominium property that is three stories or higher in height,
1747 as determined by the Florida Building Code, which includes, at a
1748 minimum, a study of the following items as related to the
1749 structural integrity and safety of the building:

1750 a. Roof.

1751 b. Structure, including load-bearing walls and other
1752 primary structural members and primary structural systems as
1753 those terms are defined in s. 627.706.

1754 c. Fireproofing and fire protection systems.

1755 d. Plumbing.

1756 e. Electrical systems.

1757 f. Waterproofing and exterior painting.

1758 g. Windows and exterior doors.

1759 h. Any other item that has a planned ~~deferred~~ maintenance
1760 expense or replacement cost that exceeds \$10,000 and the failure
1761 to replace or maintain such item negatively affects the items
1762 listed in sub-subparagraphs a.-g., as determined by the visual
1763 inspection portion of the structural integrity reserve study.

1764 2. A structural integrity reserve study is based on a
1765 visual inspection of the condominium property. A structural
1766 integrity reserve study may be performed by any person qualified
1767 to perform such study. However, the visual inspection portion of
1768 the structural integrity reserve study must be performed or
1769 verified by an engineer licensed under chapter 471, an architect

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1770 licensed under chapter 481, or a person certified as a reserve
1771 specialist or professional reserve analyst by the Community
1772 Associations Institute or the Association of Professional
1773 Reserve Analysts.

1774 3. At a minimum, a structural integrity reserve study must
1775 identify each item of the condominium property being visually
1776 inspected, state the estimated remaining useful life and the
1777 estimated replacement cost or planned ~~deferred~~ maintenance
1778 expense of each item of the condominium property being visually
1779 inspected, and provide a reserve funding schedule with a
1780 recommended annual reserve amount that achieves the estimated
1781 replacement cost or planned ~~deferred~~ maintenance expense of each
1782 item of condominium property being visually inspected by the end
1783 of the estimated remaining useful life of the item. The
1784 structural integrity reserve study may recommend that reserves
1785 do not need to be maintained for any item for which an estimate
1786 of useful life and an estimate of replacement cost cannot be
1787 determined, or the study may recommend a planned ~~deferred~~
1788 maintenance expense amount for such item. The structural
1789 integrity reserve study may recommend that reserves for
1790 replacement costs do not need to be maintained for any item with
1791 an estimated remaining useful life of greater than 25 years, but
1792 the study may recommend a planned ~~deferred~~ maintenance expense
1793 amount for such item.

1794 4. This paragraph does not apply to buildings less than
1795 three stories in height; single-family, two-family, or three-
1796 family dwellings with three or fewer habitable stories above
1797 ground; any portion or component of a building that has not been
1798 submitted to the condominium form of ownership; or any portion

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1799 or component of a building that is maintained by a party other
1800 than the association.

1801 5. Before a developer turns over control of an association
1802 to unit owners other than the developer, the developer must have
1803 a turnover inspection report in compliance with s. 718.301(4)(p)
1804 and (q) for each building on the condominium property that is
1805 three stories or higher in height.

1806 6. Associations existing on or before July 1, 2022, which
1807 are controlled by unit owners other than the developer, must
1808 have a structural integrity reserve study completed by December
1809 31, 2024, for each building on the condominium property that is
1810 three stories or higher in height. An association that is
1811 required to complete a milestone inspection in accordance with
1812 s. 553.899 on or before December 31, 2026, may complete the
1813 structural integrity reserve study simultaneously with the
1814 milestone inspection. In no event may the structural integrity
1815 reserve study be completed after December 31, 2026.

1816 7. If the milestone inspection required by s. 553.899, or
1817 an inspection completed for a similar local requirement, was
1818 performed within the past 5 years and meets the requirements of
1819 this paragraph, such inspection may be used in place of the
1820 visual inspection portion of the structural integrity reserve
1821 study.

1822 8. If the officers or directors of an association willfully
1823 and knowingly fail to complete a structural integrity reserve
1824 study pursuant to this paragraph, such failure is a breach of an
1825 officer's and director's fiduciary relationship to the unit
1826 owners under s. 718.111(1).

1827 9. Within 45 days after receiving the structural integrity

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1828 reserve study, the association must distribute a copy of the
1829 study to each unit owner or deliver to each unit owner a notice
1830 that the completed study is available for inspection and copying
1831 upon a written request. Distribution of a copy of the study or
1832 notice must be made by United States mail or personal delivery
1833 at the mailing address, property address, or any other address
1834 of the owner provided to fulfill the association's notice
1835 requirements under this chapter, or by electronic transmission
1836 to the e-mail address or facsimile number provided to fulfill
1837 the association's notice requirements to unit owners who
1838 previously consented to receive notice by electronic
1839 transmission.

1840 10. Within 45 days after receiving the structural integrity
1841 reserve study, the association must provide the division with a
1842 statement indicating that such study was completed and that the
1843 association provided or made such study available to each unit
1844 owner in accordance with this section. Such statement shall be
1845 provided to the division in the manner provided by the division
1846 using a form posted on the division's website.

1847 (q) *Director or officer offenses.*—

1848 1. A director or an officer charged by information or
1849 indictment with any of the following crimes is deemed removed
1850 from office and a vacancy declared:

1851 a. Forgery of a ballot envelope or voting certificate used
1852 in a condominium association election as provided in s. 831.01.

1853 b. Theft or embezzlement involving the association's funds
1854 or property as provided in s. 812.014.

1855 c. Destruction of, or the refusal to allow inspection or
1856 copying of, an official record of a condominium association

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1857 which is accessible to unit owners within the time periods
1858 required by general law, in furtherance of any crime. Such act
1859 constitutes tampering with physical evidence as provided in s.
1860 918.13.

1861 d. Obstruction of justice under chapter 843.

1862 e. Any criminal violation under this chapter.

1863 2. The board shall fill the vacancy in accordance with
1864 paragraph (d) a felony theft or embezzlement offense involving
1865 the association's funds or property must be removed from office,
1866 creating a vacancy in the office to be filled according to law
1867 until the end of the period of the suspension or the end of the
1868 director's term of office, whichever occurs first. While such
1869 director or officer has such criminal charge pending, he or she
1870 may not be appointed or elected to a position as a director or
1871 an officer of any association and may not have access to the
1872 official records of any association, except pursuant to a court
1873 order. However, if the charges are resolved without a finding of
1874 guilt, the director or officer shall be reinstated for the
1875 remainder of his or her term of office, if any.

1876 (r) *Fraudulent voting activities relating to association*
1877 *elections; penalties.*

1878 1. A person who engages in the following acts of fraudulent
1879 voting activity relating to association elections commits a
1880 misdemeanor of the first degree, punishable as provided in s.
1881 775.082 or s. 775.083:

1882 a. Willfully and falsely swearing to or affirming an oath
1883 or affirmation, or willfully procuring another person to falsely
1884 swear to or affirm an oath or affirmation, in connection with or
1885 arising out of voting activities.

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1886 b. Perpetrating or attempting to perpetrate, or aiding in
1887 the perpetration of, fraud in connection with a vote cast, to be
1888 cast, or attempted to be cast.

1889 c. Preventing a member from voting or preventing a member
1890 from voting as he or she intended by fraudulently changing or
1891 attempting to change a ballot, ballot envelope, vote, or voting
1892 certificate of the member.

1893 d. Menacing, threatening, or using bribery or any other
1894 corruption to attempt, directly or indirectly, to influence,
1895 deceive, or deter a member when the member is voting.

1896 e. Giving or promising, directly or indirectly, anything of
1897 value to another member with the intent to buy the vote of that
1898 member or another member or to corruptly influence that member
1899 or another member in casting his or her vote. This sub-
1900 subparagraph does not apply to any food served which is to be
1901 consumed at an election rally or a meeting or to any item of
1902 nominal value which is used as an election advertisement,
1903 including a campaign message designed to be worn by a member.

1904 f. Using or threatening to use, directly or indirectly,
1905 force, violence, or intimidation or any tactic of coercion or
1906 intimidation to induce or compel a member to vote or refrain
1907 from voting in an election or on a particular ballot measure.

1908 2. Each of the following acts constitutes a misdemeanor of
1909 the first degree, punishable as provided in s. 775.082 or s.
1910 775.083:

1911 a. Knowingly aiding, abetting, or advising a person in the
1912 commission of a fraudulent voting activity related to
1913 association elections.

1914 b. Agreeing, conspiring, combining, or confederating with

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1915 at least one other person to commit a fraudulent voting activity
 1916 related to association elections.

1917 c. Having knowledge of a fraudulent voting activity related
 1918 to association elections and giving any aid to the offender with
 1919 intent that the offender avoid or escape detection, arrest,
 1920 trial, or punishment.

1921
 1922 This subparagraph does not apply to a licensed attorney giving
 1923 legal advice to a client.

1924 3. Any person charged by information or indictment for any
 1925 of the crimes in this paragraph shall be deemed removed from
 1926 office and a vacancy declared.

1927 Section 12. Subsection (5) of section 718.113, Florida
 1928 Statutes, is amended to read:

1929 718.113 Maintenance; limitation upon improvement; display
 1930 of flag; hurricane ~~shutters~~ and protection; display of religious
 1931 decorations.-

1932 (5) To protect the health, safety, and welfare of the
 1933 people of this state and to ensure uniformity and consistency in
 1934 the hurricane protections installed by condominium associations
 1935 and unit owners, this subsection applies to all residential and
 1936 mixed-use condominiums in this state, regardless of when the
 1937 condominium is created pursuant to the declaration of
 1938 condominium. Each board of administration of a residential
 1939 condominium or mixed-use condominium shall adopt hurricane
 1940 protection ~~shutter~~ specifications for each building within each
 1941 condominium operated by the association which ~~may~~ shall include
 1942 color, style, and other factors deemed relevant by the board.
 1943 All specifications adopted by the board must comply with the

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1944 applicable building code. The installation, maintenance, repair,
1945 replacement, and operation of hurricane protection in accordance
1946 with this subsection is not considered a material alteration or
1947 substantial addition to the common elements or association
1948 property within the meaning of this section.

1949 (a) The board may, subject to s. 718.3026 and the approval
1950 of a majority of voting interests of the residential condominium
1951 or mixed-use condominium, install or require that unit owners
1952 install hurricane shutters, impact glass, code-compliant windows
1953 or doors, or other types of code-compliant hurricane protection
1954 that complies ~~comply~~ with or exceeds ~~exceed~~ the applicable
1955 building code. A vote of the unit owners to require the
1956 installation of hurricane protection must be set forth in a
1957 certificate attesting to such vote and include the date by which
1958 the hurricane protection must be installed. The board must
1959 record the certificate in the public records of the county where
1960 the condominium is located. The certificate must include the
1961 recording data identifying the declaration of condominium and
1962 must be executed in the form required for the execution of a
1963 deed. Once the certificate is recorded, the board must mail or
1964 hand deliver a copy of the recorded certificate to the unit
1965 owners at the owners' addresses, as reflected in the records of
1966 the association. The board may provide a copy of the recorded
1967 certificate by electronic transmission to unit owners who
1968 previously consented to receive notice by electronic
1969 transmission. The failure to record the certificate or send a
1970 copy of the recorded certificate to the unit owners does not
1971 affect the validity or enforceability of the vote of the unit
1972 owners. ~~However,~~ A vote of the unit owners under this paragraph

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1973 is not required if the installation, maintenance, repair, and
1974 replacement of the hurricane shutters, impact glass, code-
1975 compliant windows or doors, or other types of code-compliant
1976 hurricane protection, or any exterior windows, doors, or other
1977 apertures protected by the hurricane protection, is are the
1978 responsibility of the association pursuant to the declaration of
1979 condominium as originally recorded or as amended, or if the unit
1980 owners are required to install hurricane protection pursuant to
1981 the declaration of condominium as originally recorded or as
1982 amended. If hurricane protection ~~or laminated glass or window~~
1983 film architecturally designed to function as hurricane
1984 protection that complies with or exceeds the current applicable
1985 building code has been previously installed, the board may not
1986 install the same type of hurricane shutters, impact glass, code-
1987 compliant windows or doors, or other types of code-compliant
1988 hurricane protection or require that unit owners install the
1989 same type of hurricane protection unless the installed hurricane
1990 protection has reached the end of its useful life or unless it
1991 is necessary to prevent damage to the common elements or to a
1992 unit except upon approval by a majority vote of the voting
1993 interests.

1994 ~~(b) The association is responsible for the maintenance,~~
1995 ~~repair, and replacement of the hurricane shutters, impact glass,~~
1996 ~~code-compliant windows or doors, or other types of code-~~
1997 ~~compliant hurricane protection authorized by this subsection if~~
1998 ~~such property is the responsibility of the association pursuant~~
1999 ~~to the declaration of condominium. If the hurricane shutters,~~
2000 ~~impact glass, code-compliant windows or doors, or other types of~~
2001 ~~code-compliant hurricane protection are the responsibility of~~

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2002 ~~the unit owners pursuant to the declaration of condominium, the~~
2003 ~~maintenance, repair, and replacement of such items are the~~
2004 ~~responsibility of the unit owner.~~

2005 ~~(b)(e)~~ The board may operate ~~shutters, impact glass, code-~~
2006 ~~compliant windows or doors, or other types of code compliant~~
2007 ~~hurricane protection installed pursuant to this subsection~~
2008 ~~without permission of the unit owners only if such operation is~~
2009 ~~necessary to preserve and protect the condominium property or~~
2010 ~~and association property. The installation, replacement,~~
2011 ~~operation, repair, and maintenance of such shutters, impact~~
2012 ~~glass, code compliant windows or doors, or other types of code-~~
2013 ~~compliant hurricane protection in accordance with the procedures~~
2014 ~~set forth in this paragraph are not a material alteration to the~~
2015 ~~common elements or association property within the meaning of~~
2016 ~~this section.~~

2017 ~~(c)(d)~~ Notwithstanding any other provision in the
2018 ~~residential condominium or mixed-use condominium documents, if~~
2019 ~~approval is required by the documents, a board may not refuse to~~
2020 ~~approve the installation or replacement of ~~hurricane shutters,~~~~
2021 ~~~~impact glass, code compliant windows or doors, or other types of~~~~
2022 ~~~~code compliant~~ hurricane protection by a unit owner which~~
2023 ~~conforms ~~conforming~~ to the specifications adopted by the board.~~
2024 ~~However, a board may require the unit owner to adhere to an~~
2025 ~~existing unified building scheme regarding the external~~
2026 ~~appearance of the condominium.~~

2027 ~~(d)~~ A unit owner is not responsible for the cost of any
2028 removal or reinstallation of hurricane protection, including any
2029 exterior window, door, or other aperture protected by the
2030 hurricane protection, if its removal is necessary for the

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2031 maintenance, repair, or replacement of other condominium
2032 property or association property for which the association is
2033 responsible. The board shall determine whether the removal or
2034 reinstallation of hurricane protection must be completed by the
2035 unit owner or the association. If such removal or reinstallation
2036 is completed by the association, the costs incurred by the
2037 association may not be charged to the unit owner. If such
2038 removal or reinstallation is completed by the unit owner, the
2039 association must reimburse the unit owner for the cost of the
2040 removal or reinstallation or the association must apply the unit
2041 owner's cost of removal or reinstallation as a credit toward
2042 future assessments.

2043 (e) If the removal or installation of hurricane protection,
2044 including any exterior windows, doors, or other apertures
2045 protected by the hurricane protection is the responsibility of
2046 the unit owner, such removal or installation is completed by the
2047 association, and the association then charges the unit owner for
2048 such removal or installation, such charges are enforceable as an
2049 assessment and may be collected in the manner provided under s.
2050 718.116.

2051 Section 13. Paragraph (e) of subsection (1) of section
2052 718.115, Florida Statutes, is amended to read:

2053 718.115 Common expenses and common surplus.—

2054 (1)

2055 (e)1. Except as provided in s. 718.113(5) (d) The expense of
2056 installation, replacement, operation, repair, and maintenance of
2057 hurricane shutters, impact glass, code-compliant windows or
2058 doors, or other types of code-compliant hurricane protection by
2059 the board pursuant to s. 718.113(5) constitutes a common expense

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2060 and shall be collected as provided in this section if the
2061 association is responsible for the maintenance, repair, and
2062 replacement of the hurricane shutters, impact glass, code-
2063 compliant windows or doors, or other types of code-compliant
2064 hurricane protection pursuant to the declaration of condominium.
2065 However, if the installation of maintenance, repair, and
2066 replacement of the hurricane shutters, impact glass, code-
2067 compliant windows or doors, or other types of code-compliant
2068 hurricane protection is are the responsibility of the unit
2069 owners pursuant to the declaration of condominium or a vote of
2070 the unit owners under s. 718.113(5), the cost of the
2071 installation of the hurricane shutters, impact glass, code-
2072 compliant windows or doors, or other types of code-compliant
2073 hurricane protection by the association is not a common expense
2074 and must shall be charged individually to the unit owners based
2075 on the cost of installation of the hurricane shutters, impact
2076 glass, code-compliant windows or doors, or other types of code-
2077 compliant hurricane protection appurtenant to the unit. The
2078 costs of installation of hurricane protection are enforceable as
2079 an assessment and may be collected in the manner provided under
2080 s. 718.116.

2081 2. Notwithstanding s. 718.116(9), and regardless of whether
2082 ~~or not~~ the declaration requires the association or unit owners
2083 to install, maintain, repair, or replace hurricane shutters,
2084 impact glass, code-compliant windows or doors, or other types of
2085 code-compliant hurricane protection, the a unit owner of a unit
2086 where who has previously installed hurricane shutters in
2087 accordance with s. 718.113(5) that comply with the current
2088 applicable building code shall receive a credit when the

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2089 ~~shutters are installed; a unit owner who has previously~~
2090 ~~installed impact glass or code-compliant windows or doors that~~
2091 ~~comply with the current applicable building code shall receive a~~
2092 ~~credit when the impact glass or code-compliant windows or doors~~
2093 ~~are installed; and a unit owner who has installed other types of~~
2094 ~~code-compliant hurricane protection that complies ~~comply~~ with~~
2095 ~~the current applicable building code has been installed is~~
2096 ~~excused from any assessment levied by the association or shall~~
2097 ~~receive a credit if ~~when~~ the same type of ~~other code-compliant~~~~
2098 ~~hurricane protection is installed by the association, ~~and the~~~~
2099 ~~credit shall be equal to the pro rata portion of the assessed~~
2100 ~~installation cost assigned to each unit. A credit is applicable~~
2101 ~~if the installation of hurricane protection is for all other~~
2102 ~~units that do not have hurricane protection and the cost of such~~
2103 ~~installation is funded by the association's budget, including~~
2104 ~~the use of reserve funds. The credit must be equal to the amount~~
2105 ~~that the unit owner would have been assessed to install the~~
2106 ~~hurricane protection.~~ However, such unit owner remains
2107 responsible for the pro rata share of expenses for ~~hurricane~~
2108 ~~shutters, impact glass, code-compliant windows or doors, or~~
2109 ~~other types of code-compliant hurricane protection installed on~~
2110 common elements and association property by the board pursuant
2111 to s. 718.113(5) and remains responsible for a pro rata share of
2112 the expense of the replacement, operation, repair, and
2113 maintenance of such ~~shutters, impact glass, code-compliant~~
2114 ~~windows or doors, or other types of code-compliant hurricane~~
2115 ~~protection. Expenses for the installation, replacement,~~
2116 ~~operation, repair, or maintenance of hurricane protection on~~
2117 ~~common elements and association property are common expenses.~~

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2118 Section 14. Paragraph (a) of subsection (4) of section
2119 718.121, Florida Statutes, is amended to read:

2120 718.121 Liens.—

2121 (4) (a) If an association sends out an invoice for
2122 assessments or a unit's statement of the account described in s.
2123 718.111(12) (a) 11.c. ~~s. 718.111(12) (a) 11.b.~~, the invoice for
2124 assessments or the unit's statement of account must be delivered
2125 to the unit owner by first-class United States mail or by
2126 electronic transmission to the unit owner's e-mail address
2127 maintained in the association's official records.

2128 Section 15. Section 718.1224, Florida Statutes, is amended
2129 to read:

2130 718.1224 Prohibition against SLAPP suits; other prohibited
2131 actions.—

2132 (1) It is the intent of the Legislature to protect the
2133 right of condominium unit owners to exercise their rights to
2134 instruct their representatives and petition for redress of
2135 grievances before their condominium association and the various
2136 governmental entities of this state as protected by the First
2137 Amendment to the United States Constitution and s. 5, Art. I of
2138 the State Constitution. The Legislature recognizes that
2139 strategic lawsuits against public participation, or "SLAPP
2140 suits," as they are typically referred to, have occurred when
2141 association members are sued by condominium associations,
2142 individuals, business entities, or governmental entities arising
2143 out of a condominium unit owner's appearance and presentation
2144 before the board of the condominium association or a
2145 governmental entity on matters related to the condominium
2146 association. However, it is the public policy of this state that

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2147 condominium associations, governmental entities, business
2148 organizations, and individuals not engage in SLAPP suits,
2149 because such actions are inconsistent with the right of
2150 condominium unit owners to participate in their condominium
2151 association and in the state's institutions of government.
2152 Therefore, the Legislature finds and declares that prohibiting
2153 such lawsuits by condominium associations, governmental
2154 entities, business entities, and individuals against condominium
2155 unit owners who address matters concerning their condominium
2156 association will preserve this fundamental state policy,
2157 preserve the constitutional rights of condominium unit owners,
2158 ~~and~~ ensure the continuation of representative government in this
2159 state, and ensure unit owner participation in condominium
2160 associations. It is the intent of the Legislature that such
2161 lawsuits be expeditiously disposed of by the courts. As used in
2162 this subsection, the term "governmental entity" means the state,
2163 including the executive, legislative, and judicial branches of
2164 government; law enforcement agencies; the independent
2165 establishments of the state, counties, municipalities,
2166 districts, authorities, boards, or commissions; or any agencies
2167 of these branches that are subject to chapter 286.

2168 (2) A condominium association, a governmental entity, a
2169 business organization, or an individual in this state may not
2170 file or cause to be filed through its employees or agents any
2171 lawsuit, cause of action, claim, cross-claim, or counterclaim
2172 against a condominium unit owner without merit and solely
2173 because such condominium unit owner has exercised the right to
2174 instruct his or her representatives or the right to petition for
2175 redress of grievances before the condominium association or the

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2176 various governmental entities of this state, as protected by the
2177 First Amendment to the United States Constitution and s. 5, Art.
2178 I of the State Constitution.

2179 (3) A condominium association may not fine,
2180 discriminatorily increase a unit owner's assessments or
2181 discriminatorily decrease services to a unit owner, or bring or
2182 threaten to bring an action for possession or other civil
2183 action, including a defamation, libel, slander, or tortious
2184 interference action, based on conduct described in paragraphs
2185 (a)-(f). In order for the unit owner to raise the defense of
2186 retaliatory conduct, the unit owner must have acted in good
2187 faith and not for any improper purposes, such as to harass or to
2188 cause unnecessary delay or for frivolous purpose or needless
2189 increase in the cost of litigation. Examples of conduct for
2190 which a condominium association, officer, director, or agent of
2191 an association may not retaliate include, but are not limited
2192 to, situations where:

2193 (a) The unit owner has in good faith complained to a
2194 governmental agency charged with responsibility for enforcement
2195 of a building, housing, or health code of a suspected violation
2196 applicable to the condominium;

2197 (b) The unit owner has organized, encouraged, or
2198 participated in a unit owners' organization;

2199 (c) The unit owner submitted information or filed a
2200 complaint alleging criminal violations or violations of this
2201 chapter or the rules of the division with the division, the
2202 Office of the Condominium Ombudsman, a law enforcement agency, a
2203 state attorney, the Attorney General, or any other governmental
2204 agency;

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2205 (d) The unit owner has exercised his or her rights under
2206 this chapter;

2207 (e) The unit owner has complained to the association or any
2208 of its representatives for their failure to comply with this
2209 chapter or chapter 617; or

2210 (f) The unit owner has made public statements critical of
2211 the operation or management of the association.

2212 (4) Evidence of retaliatory conduct may be raised by the
2213 unit owner as a defense in any action brought against him or her
2214 for possession.

2215 (5) A condominium unit owner sued by a condominium
2216 association, governmental entity, business organization, or
2217 individual in violation of this section has a right to an
2218 expeditious resolution of a claim that the suit is in violation
2219 of this section. A condominium unit owner may petition the court
2220 for an order dismissing the action or granting final judgment in
2221 favor of that condominium unit owner. The petitioner may file a
2222 motion for summary judgment, together with supplemental
2223 affidavits, seeking a determination that the condominium
2224 association's, governmental entity's, business organization's,
2225 or individual's lawsuit has been brought in violation of this
2226 section. The condominium association, governmental entity,
2227 business organization, or individual shall thereafter file its
2228 response and any supplemental affidavits. As soon as
2229 practicable, the court shall set a hearing on the petitioner's
2230 motion, which shall be held at the earliest possible time after
2231 the filing of the condominium association's, governmental
2232 entity's, business organization's, or individual's response. The
2233 court may award the condominium unit owner sued by the

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2234 condominium association, governmental entity, business
2235 organization, or individual actual damages arising from the
2236 condominium association's, governmental entity's, individual's,
2237 or business organization's violation of this section. A court
2238 may treble the damages awarded to a prevailing condominium unit
2239 owner and shall state the basis for the treble damages award in
2240 its judgment. The court shall award the prevailing party
2241 reasonable attorney ~~attorney's~~ fees and costs incurred in
2242 connection with a claim that an action was filed in violation of
2243 this section.

2244 (6) ~~(4)~~ Condominium associations may not expend association
2245 funds in prosecuting a SLAPP suit against a condominium unit
2246 owner.

2247 (7) Condominium associations may not expend association
2248 funds in support of a defamation, libel, slander, or tortious
2249 interference action against a unit owner or any other claim
2250 against a unit owner based on conduct described in paragraphs
2251 (3) (a)-(f).

2252 Section 16. Section 718.124, Florida Statutes, is amended
2253 to read:

2254 718.124 Limitation on actions by association.—The statute
2255 of limitations and repose for any actions in law or equity which
2256 a condominium association or a cooperative association may have
2257 shall not begin to run until the unit owners have elected a
2258 majority of the members of the board of administration.

2259 Section 17. Section 718.128, Florida Statutes, is amended
2260 to read:

2261 718.128 Electronic voting.—The association may conduct
2262 elections and other unit owner votes through an Internet-based

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2263 online voting system if a unit owner consents, electronically or
2264 in writing, to online voting and if the following requirements
2265 are met:

2266 (1) The association provides each unit owner with:

2267 (a) A method to authenticate the unit owner's identity to
2268 the online voting system.

2269 (b) For elections of the board, a method to transmit an
2270 electronic ballot to the online voting system that ensures the
2271 secrecy and integrity of each ballot.

2272 (c) A method to confirm, at least 14 days before the voting
2273 deadline, that the unit owner's electronic device can
2274 successfully communicate with the online voting system.

2275 (2) The association uses an online voting system that is:

2276 (a) Able to authenticate the unit owner's identity.

2277 (b) Able to authenticate the validity of each electronic
2278 vote to ensure that the vote is not altered in transit.

2279 (c) Able to transmit a receipt from the online voting
2280 system to each unit owner who casts an electronic vote.

2281 (d) For elections of the board of administration, able to
2282 permanently separate any authentication or identifying
2283 information from the electronic election ballot, rendering it
2284 impossible to tie an election ballot to a specific unit owner.

2285 (e) Able to store and keep electronic votes accessible to
2286 election officials for recount, inspection, and review purposes.

2287 (3) A unit owner voting electronically pursuant to this
2288 section shall be counted as being in attendance at the meeting
2289 for purposes of determining a quorum. A substantive vote of the
2290 unit owners may not be taken on any issue other than the issues
2291 specifically identified in the electronic vote, when a quorum is

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2292 established based on unit owners voting electronically pursuant
2293 to this section.

2294 (4) This section applies to an association that provides
2295 for and authorizes an online voting system pursuant to this
2296 section by a board resolution. The board resolution must provide
2297 that unit owners receive notice of the opportunity to vote
2298 through an online voting system, must establish reasonable
2299 procedures and deadlines for unit owners to consent,

2300 electronically or in writing, to online voting, and must
2301 establish reasonable procedures and deadlines for unit owners to
2302 opt out of online voting after giving consent. Written notice of
2303 a meeting at which the resolution will be considered must be
2304 mailed, delivered, or electronically transmitted to the unit
2305 owners and posted conspicuously on the condominium property or
2306 association property at least 14 days before the meeting.
2307 Evidence of compliance with the 14-day notice requirement must
2308 be made by an affidavit executed by the person providing the
2309 notice and filed with the official records of the association.

2310 (5) A unit owner's consent to online voting is valid until
2311 the unit owner opts out of online voting according to the
2312 procedures established by the board of administration pursuant
2313 to subsection (4).

2314 (6) This section may apply to any matter that requires a
2315 vote of the unit owners who are not members of a timeshare
2316 condominium association.

2317 Section 18. Effective October 1, 2024, subsections (1) and
2318 (3) of section 718.202, Florida Statutes, are amended to read:

2319 718.202 Sales or reservation deposits prior to closing.—

2320 (1) If a developer contracts to sell a condominium parcel

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2321 and the construction, furnishing, and landscaping of the
2322 property submitted or proposed to be submitted to condominium
2323 ownership has not been substantially completed in accordance
2324 with the plans and specifications and representations made by
2325 the developer in the disclosures required by this chapter, the
2326 developer shall pay into an escrow account all payments up to 10
2327 percent of the sale price received by the developer from the
2328 buyer towards the sale price. The escrow agent shall give to the
2329 purchaser a receipt for the deposit, upon request. In lieu of
2330 the foregoing concerning residential condominiums, the division
2331 director has the discretion to accept other assurances,
2332 including, but not limited to, a surety bond or an irrevocable
2333 letter of credit in an amount equal to the escrow requirements
2334 of this section. With respect to nonresidential condominiums,
2335 the developer shall have the option of delivering to the escrow
2336 agent a surety bond or an irrevocable letter of credit in an
2337 amount equivalent to the aggregate of some or all of all
2338 payments up to 10 percent of the sale price received by the
2339 developer from all buyers toward the sale price, in all cases
2340 the aggregate of initial 10 percent deposits moneys being
2341 released secured by a surety bond or irrevocable letter of
2342 credit in an equivalent amount. Default determinations and
2343 refund of deposits shall be governed by the escrow release
2344 provision of this subsection. Funds shall be released from
2345 escrow as follows:

2346 (a) If a buyer properly terminates the contract pursuant to
2347 its terms or pursuant to this chapter, the funds shall be paid
2348 to the buyer together with any interest earned.

2349 (b) If the buyer defaults in the performance of his or her

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2350 obligations under the contract of purchase and sale, the funds
2351 shall be paid to the developer together with any interest
2352 earned.

2353 (c) If the contract does not provide for the payment of any
2354 interest earned on the escrowed funds, interest shall be paid to
2355 the developer at the closing of the transaction.

2356 (d) If the funds of a buyer have not been previously
2357 disbursed in accordance with the provisions of this subsection,
2358 they may be disbursed to the developer by the escrow agent at
2359 the closing of the transaction, unless prior to the disbursement
2360 the escrow agent receives from the buyer written notice of a
2361 dispute between the buyer and developer.

2362 (3) If the contract for sale of the condominium unit so
2363 provides, the developer may withdraw escrow funds in excess of
2364 10 percent of the purchase price from the special account
2365 required by subsection (2) when the construction of improvements
2366 has begun. He or she may use the funds for the actual costs
2367 incurred by the developer in the construction and development of
2368 the condominium property in which the unit to be sold is located
2369 or the easements and rights appurtenant thereto. For purposes of
2370 this subsection, the term "actual costs" includes, but is not
2371 limited to, expenditures for demolition, site clearing, permit
2372 fees, impact fees, and utility reservation fees, as well as
2373 architectural, engineering, and surveying fees that directly
2374 relate to construction and development of the condominium
2375 property or the easements and rights appurtenant thereto.
2376 However, no part of these funds may be used for salaries,
2377 commissions, or expenses of salespersons; for advertising,
2378 marketing, or promotional purposes; or for loan fees and costs,

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2379 principal and interest on loans, attorney fees, accounting fees,
2380 or insurance costs. A contract that ~~which~~ permits use of the
2381 advance payments for these purposes must ~~shall~~ include the
2382 following legend conspicuously printed or stamped in boldfaced
2383 type on the first page of the contract and immediately above the
2384 place for the signature of the buyer: "ANY PAYMENT IN EXCESS OF
2385 10 PERCENT OF THE PURCHASE PRICE MADE TO DEVELOPER PRIOR TO
2386 CLOSING PURSUANT TO THIS CONTRACT MAY BE USED FOR CONSTRUCTION
2387 PURPOSES BY THE DEVELOPER."

2388 Section 19. Paragraph (p) of subsection (4) of section
2389 718.301, Florida Statutes, is amended to read:

2390 718.301 Transfer of association control; claims of defect
2391 by association.—

2392 (4) At the time that unit owners other than the developer
2393 elect a majority of the members of the board of administration
2394 of an association, the developer shall relinquish control of the
2395 association, and the unit owners shall accept control.

2396 Simultaneously, or for the purposes of paragraph (c) not more
2397 than 90 days thereafter, the developer shall deliver to the
2398 association, at the developer's expense, all property of the
2399 unit owners and of the association which is held or controlled
2400 by the developer, including, but not limited to, the following
2401 items, if applicable, as to each condominium operated by the
2402 association:

2403 (p) Notwithstanding when the certificate of occupancy was
2404 issued or the height of the building, a turnover inspection
2405 report included in the official records, under seal of an
2406 architect or engineer authorized to practice in this state or a
2407 person certified as a reserve specialist or professional reserve

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2408 analyst by the Community Associations Institute or the
2409 Association of Professional Reserve Analysts, and consisting of
2410 a structural integrity reserve study attesting to required
2411 maintenance, condition, useful life, and replacement costs of
2412 the following applicable condominium property:

2413 1. Roof.

2414 2. Structure, including load-bearing walls and primary
2415 structural members and primary structural systems as those terms
2416 are defined in s. 627.706.

2417 3. Fireproofing and fire protection systems.

2418 4. Plumbing.

2419 5. Electrical systems.

2420 6. Waterproofing and exterior painting.

2421 7. Windows and exterior doors.

2422 Section 20. Subsections (4) and (5) of section 718.3027,
2423 Florida Statutes, are amended to read:

2424 718.3027 Conflicts of interest.—

2425 (4) A director or an officer, or a relative of a director
2426 or an officer, who is a party to, or has an interest in, an
2427 activity that is a possible conflict of interest, as described
2428 in subsection (1), may attend the meeting at which the activity
2429 is considered by the board and is authorized to make a
2430 presentation to the board regarding the activity. After the
2431 presentation, the director or officer, and any ~~or the~~ relative
2432 of the director or officer, must leave the meeting during the
2433 discussion of, and the vote on, the activity. A director or an
2434 officer who is a party to, or has an interest in, the activity
2435 must recuse himself or herself from the vote. The attendance of
2436 a director with a possible conflict of interest at the meeting

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2437 of the board is sufficient to constitute a quorum for the
2438 meeting and the vote in his or her absence on the proposed
2439 activity.

2440 (5) A contract entered into between a director or an
2441 officer, or a relative of a director or an officer, and the
2442 association, which is not a timeshare condominium association,
2443 that has not been properly disclosed as a conflict of interest
2444 or potential conflict of interest as required by this section or
2445 s. 617.0832 ~~s. 718.111(12)(g)~~ is voidable and terminates upon
2446 the filing of a written notice terminating the contract with the
2447 board of directors which contains the consent of at least 20
2448 percent of the voting interests of the association.

2449 Section 21. Subsection (5) of section 718.303, Florida
2450 Statutes, is amended to read:

2451 718.303 Obligations of owners and occupants; remedies.—

2452 (5) An association may suspend the voting rights of a unit
2453 owner or member due to nonpayment of any fee, fine, or other
2454 monetary obligation due to the association which is more than
2455 \$1,000 and more than 90 days delinquent. Proof of such
2456 obligation must be provided to the unit owner or member 30 days
2457 before such suspension takes effect. At least 90 days before an
2458 election, an association must notify a unit owner or member that
2459 his or her voting rights may be suspended due to a nonpayment of
2460 a fee or other monetary obligation. A voting interest or consent
2461 right allocated to a unit owner or member which has been
2462 suspended by the association shall be subtracted from the total
2463 number of voting interests in the association, which shall be
2464 reduced by the number of suspended voting interests when
2465 calculating the total percentage or number of all voting

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2466 interests available to take or approve any action, and the
2467 suspended voting interests shall not be considered for any
2468 purpose, including, but not limited to, the percentage or number
2469 of voting interests necessary to constitute a quorum, the
2470 percentage or number of voting interests required to conduct an
2471 election, or the percentage or number of voting interests
2472 required to approve an action under this chapter or pursuant to
2473 the declaration, articles of incorporation, or bylaws. The
2474 suspension ends upon full payment of all obligations currently
2475 due or overdue the association. The notice and hearing
2476 requirements under subsection (3) do not apply to a suspension
2477 imposed under this subsection.

2478 Section 22. Effective October 1, 2024, section 718.407,
2479 Florida Statutes, is created to read:

2480 718.407 Condominiums created within a portion of a building
2481 or within a multiple parcel building.-

2482 (1) Notwithstanding s. 718.103(12) or s. 718.108(1), a
2483 condominium may be created within a portion of a building or
2484 within a multiple parcel building, as defined in s. 193.0237(1),
2485 as provided in this section.

2486 (2) Notwithstanding s. 718.103(12) or s. 718.108(1), the
2487 common elements of a condominium created within a portion of a
2488 building or a multiple parcel building are only those portions
2489 of the building submitted to the condominium form of ownership,
2490 excluding the units of such condominium.

2491 (3) The declaration of condominium that creates a
2492 condominium within a portion of a building or within a multiple
2493 parcel building, the recorded instrument that creates the
2494 multiple parcel building, or any other recorded instrument

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2495 applicable under this section must specify all of the following:

2496 (a) The portions of the building which are included in the
2497 condominium and the portions of the building which are excluded.

2498 (b) The party responsible for maintaining and operating
2499 those portions of the building which are shared facilities, and
2500 which may include, among other things, the roof, the exterior of
2501 the building, windows, balconies, elevators, the building lobby,
2502 corridors, recreational amenities, and utilities.

2503 (c)1. The manner in which the expenses for the maintenance
2504 and operation of the shared facilities will be apportioned. An
2505 owner of a portion of a building which is not submitted to the
2506 condominium form of ownership, or the condominium association,
2507 as applicable to the portion of the building submitted to the
2508 condominium form of ownership, must approve any increase in the
2509 apportionment of expenses to such portion of the building. The
2510 apportionment of the expenses for the maintenance and operation
2511 of the shared facilities may be based on any of the following
2512 criteria or any combination thereof:

2513 a. The area or volume of each portion of the building in
2514 relation to the total area or volume of the entire building,
2515 exclusive of the shared facilities.

2516 b. The initial estimated market value of each portion of
2517 the building in comparison to the total initial estimated market
2518 value of the entire building.

2519 c. The extent to which the owners are permitted to use
2520 various shared facilities.

2521 2. This paragraph does not preclude an alternative
2522 apportionment of expenses, provided that the apportionment is
2523 stated in the declaration of condominium that creates a

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2524 condominium within a portion of a building or within a multiple
 2525 parcel building, the recorded instrument that creates the
 2526 multiple parcel building, or any other recorded instrument
 2527 applicable under this section.

2528 (d) The party responsible for collecting the shared
 2529 expenses.

2530 (e) The rights and remedies that are available to enforce
 2531 payment of the shared expenses.

2532 (4) The association of a condominium subject to this
 2533 section has the right to inspect and copy the books and records
 2534 upon which the costs for maintaining and operating the shared
 2535 facilities are based and to receive an annual budget with
 2536 respect to such costs.

2537 (5) Each contract for the sale of a unit in a condominium
 2538 subject to this section must contain, in conspicuous type, a
 2539 clause that substantially states:

2540

2541 DISCLOSURE SUMMARY

2542 THE CONDOMINIUM IN WHICH YOUR UNIT IS LOCATED IS
 2543 CREATED WITHIN A PORTION OF A BUILDING OR WITHIN A
 2544 MULTIPLE PARCEL BUILDING. THE COMMON ELEMENTS OF THE
 2545 CONDOMINIUM CONSIST ONLY OF THE PORTIONS OF THE
 2546 BUILDING SUBMITTED TO THE CONDOMINIUM.

2547

2548 BUYER ACKNOWLEDGES:

2549 1) THE CONDOMINIUM MAY HAVE MINIMAL COMMON ELEMENTS.

2550

2551 2) PORTIONS OF THE BUILDING THAT ARE NOT INCLUDED IN
 2552 THE CONDOMINIUM ARE (OR WILL BE) GOVERNED BY A

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2553 SEPARATE RECORDED INSTRUMENT. SUCH INSTRUMENT CONTAINS
2554 IMPORTANT PROVISIONS AND RIGHTS AND IS (OR WILL BE)
2555 AVAILABLE IN PUBLIC RECORDS.

2556
2557 3) THE PARTY THAT CONTROLS THE MAINTENANCE AND
2558 OPERATION OF THE PORTIONS OF THE BUILDING THAT ARE NOT
2559 INCLUDED IN THE CONDOMINIUM DETERMINES THE BUDGET FOR
2560 THE OPERATION AND MAINTENANCE OF SUCH PORTIONS;
2561 HOWEVER, THE ASSOCIATION AND UNIT OWNERS ARE STILL
2562 RESPONSIBLE FOR THEIR SHARE OF SUCH EXPENSES.

2563
2564 4) THE ALLOCATION BETWEEN THE OWNERS OF THE COSTS TO
2565 MAINTAIN AND OPERATE THE BUILDING CAN BE FOUND IN THE
2566 DECLARATION OF CONDOMINIUM OR OTHER RECORDED
2567 INSTRUMENT.

2568
2569 (6) The creation of a multiple parcel building is not a
2570 subdivision of the land upon which such building is situated,
2571 provided that the land itself is not subdivided.

2572 Section 23. Subsections (1) and (2) of section 718.501,
2573 Florida Statutes, are amended to read:

2574 718.501 Authority, responsibility, and duties of Division
2575 of Florida Condominiums, Timeshares, and Mobile Homes.—

2576 (1)(a) The division may enforce and ensure compliance with
2577 this chapter and rules relating to the development,
2578 construction, sale, lease, ownership, operation, and management
2579 of residential condominium units and complaints related to the
2580 procedural completion of milestone inspections under s. 553.899.
2581 In performing its duties, the division has complete jurisdiction

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2582 to investigate complaints and enforce compliance with respect to
2583 associations that are still under developer control or the
2584 control of a bulk assignee or bulk buyer pursuant to part VII of
2585 this chapter and complaints against developers, bulk assignees,
2586 or bulk buyers involving improper turnover or failure to
2587 turnover, pursuant to s. 718.301. However, after turnover has
2588 occurred, the division has jurisdiction to investigate
2589 complaints related only to:

2590 1. Procedures and records related to financial issues,
2591 elections, and including annual financial reporting under s.
2592 718.111(13); assessments for common expenses, fines, and
2593 commingling of reserve and operating funds under in s.
2594 718.111(14); use of debit cards for other than intended purposes
2595 under s. 718.111(15); the annual operating budget and the
2596 allocation of reserve funds under s. 718.112(2)(f); which
2597 financial records under s. 718.111(12)(a)11; and any other
2598 record necessary to determine the revenues and expenses of the
2599 association;

2600 2. Elections, including election and voting requirements
2601 under s. 718.112(2)(b) and (d), recall of board members under
2602 718.112(2)(1), electronic voting under s. 718.128, and elections
2603 that occur during an emergency under s. 718.1265(1)(a);

2604 3. The maintenance of and unit owner access to association
2605 records under s. 718.111(12), allegations of criminal violations
2606 under this chapter, the removal of a director or an officer
2607 under s. 718.112(2)(q); and

2608 4. The procedural aspects of meetings, such as unit owner
2609 meetings, quorums, voting requirements, proxies, board of
2610 administration meetings, and budget meetings under s.

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2611 718.112(2);
2612 5. Disclosure of conflicts of interest under s.
2613 718.111(1)(a) and s. 718.3027, including limitations contained
2614 in s. 718.111(3)(f);
2615 6. Removal of a board director or officer under s.
2616 718.111(1)(a) and (15), and s. 718.112(2)(p) and (q);
2617 7. The procedural completion of structural integrity
2618 reserve studies under s. 718.112(2)(g); and
2619 8. Any written inquiries by unit owners to the association
2620 relating to such matters, including written inquiries under s.
2621 718.112(2)(a)2.
2622 (b)~~(a)~~1. The division may make necessary public or private
2623 investigations within or outside this state to determine whether
2624 any person has violated this chapter or any rule or order
2625 hereunder, to aid in the enforcement of this chapter, or to aid
2626 in the adoption of rules or forms.
2627 2. The division may submit any official written report,
2628 worksheet, or other related paper, or a duly certified copy
2629 thereof, compiled, prepared, drafted, or otherwise made by and
2630 duly authenticated by a financial examiner or analyst to be
2631 admitted as competent evidence in any hearing in which the
2632 financial examiner or analyst is available for cross-examination
2633 and attests under oath that such documents were prepared as a
2634 result of an examination or inspection conducted pursuant to
2635 this chapter.
2636 (c)~~(b)~~ The division may require or permit any person to
2637 file a statement in writing, under oath or otherwise, as the
2638 division determines, as to the facts and circumstances
2639 concerning a matter to be investigated.

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2640 (d)~~(e)~~ For the purpose of any investigation under this
2641 chapter, the division director or any officer or employee
2642 designated by the division director may administer oaths or
2643 affirmations, subpoena witnesses and compel their attendance,
2644 take evidence, and require the production of any matter which is
2645 relevant to the investigation, including the existence,
2646 description, nature, custody, condition, and location of any
2647 books, documents, or other tangible things and the identity and
2648 location of persons having knowledge of relevant facts or any
2649 other matter reasonably calculated to lead to the discovery of
2650 material evidence. Upon the failure by a person to obey a
2651 subpoena or to answer questions propounded by the investigating
2652 officer and upon reasonable notice to all affected persons, the
2653 division may apply to the circuit court for an order compelling
2654 compliance.

2655 (e)~~(d)~~ Notwithstanding any remedies available to unit
2656 owners and associations, if the division has reasonable cause to
2657 believe that a violation of any provision of this chapter or
2658 related rule has occurred, the division may institute
2659 enforcement proceedings in its own name against any developer,
2660 bulk assignee, bulk buyer, association, officer, or member of
2661 the board of administration, or its assignees or agents, as
2662 follows:

2663 1. The division may permit a person whose conduct or
2664 actions may be under investigation to waive formal proceedings
2665 and enter into a consent proceeding whereby orders, rules, or
2666 letters of censure or warning, whether formal or informal, may
2667 be entered against the person.

2668 2. The division may issue an order requiring the developer,

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2669 bulk assignee, bulk buyer, association, developer-designated
2670 officer, or developer-designated member of the board of
2671 administration, developer-designated assignees or agents, bulk
2672 assignee-designated assignees or agents, bulk buyer-designated
2673 assignees or agents, community association manager, or community
2674 association management firm to cease and desist from the
2675 unlawful practice and take such affirmative action as in the
2676 judgment of the division carry out the purposes of this chapter.
2677 If the division finds that a developer, bulk assignee, bulk
2678 buyer, association, officer, or member of the board of
2679 administration, or its assignees or agents, is violating or is
2680 about to violate any provision of this chapter, any rule adopted
2681 or order issued by the division, or any written agreement
2682 entered into with the division, and presents an immediate danger
2683 to the public requiring an immediate final order, it may issue
2684 an emergency cease and desist order reciting with particularity
2685 the facts underlying such findings. The emergency cease and
2686 desist order is effective for 90 days. If the division begins
2687 nonemergency cease and desist proceedings, the emergency cease
2688 and desist order remains effective until the conclusion of the
2689 proceedings under ss. 120.569 and 120.57.

2690 3. If a developer, bulk assignee, or bulk buyer fails to
2691 pay any restitution determined by the division to be owed, plus
2692 any accrued interest at the highest rate permitted by law,
2693 within 30 days after expiration of any appellate time period of
2694 a final order requiring payment of restitution or the conclusion
2695 of any appeal thereof, whichever is later, the division must
2696 bring an action in circuit or county court on behalf of any
2697 association, class of unit owners, lessees, or purchasers for

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2698 restitution, declaratory relief, injunctive relief, or any other
2699 available remedy. The division may also temporarily revoke its
2700 acceptance of the filing for the developer to which the
2701 restitution relates until payment of restitution is made.

2702 4. The division may petition the court for appointment of a
2703 receiver or conservator. If appointed, the receiver or
2704 conservator may take action to implement the court order to
2705 ensure the performance of the order and to remedy any breach
2706 thereof. In addition to all other means provided by law for the
2707 enforcement of an injunction or temporary restraining order, the
2708 circuit court may impound or sequester the property of a party
2709 defendant, including books, papers, documents, and related
2710 records, and allow the examination and use of the property by
2711 the division and a court-appointed receiver or conservator.

2712 5. The division may apply to the circuit court for an order
2713 of restitution whereby the defendant in an action brought under
2714 subparagraph 4. is ordered to make restitution of those sums
2715 shown by the division to have been obtained by the defendant in
2716 violation of this chapter. At the option of the court, such
2717 restitution is payable to the conservator or receiver appointed
2718 under subparagraph 4. or directly to the persons whose funds or
2719 assets were obtained in violation of this chapter.

2720 6. The division may impose a civil penalty against a
2721 developer, bulk assignee, or bulk buyer, or association, or its
2722 assignee or agent, for any violation of this chapter, or related
2723 rule, or chapter 617. The division may impose a civil penalty
2724 individually against an officer or board member who willfully
2725 and knowingly violates this chapter, an adopted rule, or a final
2726 order of the division; may order the removal of such individual

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2727 as an officer or from the board of administration or as an
2728 officer of the association; and may prohibit such individual
2729 from serving as an officer or on the board of a community
2730 association for a period of time. The term "willfully and
2731 knowingly" means that the division informed the officer or board
2732 member that his or her action or intended action violates this
2733 chapter, a rule adopted under this chapter, or a final order of
2734 the division and that the officer or board member refused to
2735 comply with the requirements of this chapter, a rule adopted
2736 under this chapter, or a final order of the division. The
2737 division, before initiating formal agency action under chapter
2738 120, must afford the officer or board member an opportunity to
2739 voluntarily comply, and an officer or board member who complies
2740 within 10 days is not subject to a civil penalty. A penalty may
2741 be imposed on the basis of each day of continuing violation, but
2742 the penalty for any offense may not exceed \$5,000. The division
2743 shall adopt, by rule, penalty guidelines applicable to possible
2744 violations or to categories of violations of this chapter or
2745 rules adopted by the division. The guidelines must specify a
2746 meaningful range of civil penalties for each such violation of
2747 the statute and rules and must be based upon the harm caused by
2748 the violation, upon the repetition of the violation, and upon
2749 such other factors deemed relevant by the division. For example,
2750 the division may consider whether the violations were committed
2751 by a developer, bulk assignee, or bulk buyer, or owner-
2752 controlled association, the size of the association, and other
2753 factors. The guidelines must designate the possible mitigating
2754 or aggravating circumstances that justify a departure from the
2755 range of penalties provided by the rules. It is the legislative

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2756 intent that minor violations be distinguished from those which
2757 endanger the health, safety, or welfare of the condominium
2758 residents or other persons and that such guidelines provide
2759 reasonable and meaningful notice to the public of likely
2760 penalties that may be imposed for proscribed conduct. This
2761 subsection does not limit the ability of the division to
2762 informally dispose of administrative actions or complaints by
2763 stipulation, agreed settlement, or consent order. All amounts
2764 collected shall be deposited with the Chief Financial Officer to
2765 the credit of the Division of Florida Condominiums, Timeshares,
2766 and Mobile Homes Trust Fund. If a developer, bulk assignee, or
2767 bulk buyer fails to pay the civil penalty and the amount deemed
2768 to be owed to the association, the division shall issue an order
2769 directing that such developer, bulk assignee, or bulk buyer
2770 cease and desist from further operation until such time as the
2771 civil penalty is paid or may pursue enforcement of the penalty
2772 in a court of competent jurisdiction. If an association fails to
2773 pay the civil penalty, the division shall pursue enforcement in
2774 a court of competent jurisdiction, and the order imposing the
2775 civil penalty or the cease and desist order is not effective
2776 until 20 days after the date of such order. Any action commenced
2777 by the division shall be brought in the county in which the
2778 division has its executive offices or in the county where the
2779 violation occurred.

2780 7. If a unit owner presents the division with proof that
2781 the unit owner has requested access to official records in
2782 writing by certified mail, and that after 10 days the unit owner
2783 again made the same request for access to official records in
2784 writing by certified mail, and that more than 10 days has

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2785 elapsed since the second request and the association has still
2786 failed or refused to provide access to official records as
2787 required by this chapter, the division shall issue a subpoena
2788 requiring production of the requested records where the records
2789 are kept pursuant to s. 718.112. Upon receipt of the records,
2790 the division shall provide without charge the produced official
2791 records to the unit owner who was denied access to such records.

2792 8. In addition to subparagraph 6., the division may seek
2793 the imposition of a civil penalty through the circuit court for
2794 any violation for which the division may issue a notice to show
2795 cause under paragraph (s) ~~(r)~~. The civil penalty shall be at
2796 least \$500 but no more than \$5,000 for each violation. The court
2797 may also award to the prevailing party court costs and
2798 reasonable attorney fees and, if the division prevails, may also
2799 award reasonable costs of investigation.

2800 9. The division may issue citations and adopt rules to
2801 provide for citation bases and citation procedures in accordance
2802 with this section.

2803 (f) ~~(e)~~ The division may prepare and disseminate a
2804 prospectus and other information to assist prospective owners,
2805 purchasers, lessees, and developers of residential condominiums
2806 in assessing the rights, privileges, and duties pertaining
2807 thereto.

2808 (g) ~~(f)~~ The division may adopt rules to administer and
2809 enforce this chapter.

2810 (h) ~~(g)~~ The division shall establish procedures for
2811 providing notice to an association and the developer, bulk
2812 assignee, or bulk buyer during the period in which the
2813 developer, bulk assignee, or bulk buyer controls the association

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2814 if the division is considering the issuance of a declaratory
2815 statement with respect to the declaration of condominium or any
2816 related document governing such condominium community.

2817 (i)~~(h)~~ The division shall furnish each association that
2818 pays the fees required by paragraph (2) (a) a copy of this
2819 chapter, as amended, and the rules adopted thereto on an annual
2820 basis.

2821 (j)~~(i)~~ The division shall annually provide each association
2822 with a summary of declaratory statements and formal legal
2823 opinions relating to the operations of condominiums which were
2824 rendered by the division during the previous year.

2825 (k)~~(j)~~ The division shall provide training and educational
2826 programs for condominium association board members and unit
2827 owners. The training may, in the division's discretion, include
2828 web-based electronic media and live training and seminars in
2829 various locations throughout the state. The division may review
2830 and approve education and training programs for board members
2831 and unit owners offered by providers and shall maintain a
2832 current list of approved programs and providers and make such
2833 list available to board members and unit owners in a reasonable
2834 and cost-effective manner. The division shall provide the
2835 division-approved provider with the template certificate for
2836 issuance directly to the association board of directors members
2837 who have satisfactorily completed the requirements under s.
2838 718.112(2)(d). The division may adopt rules to implement this
2839 section.

2840 (l)~~(k)~~ The division shall maintain a toll-free telephone
2841 number accessible to condominium unit owners.

2842 (m)~~(l)~~ The division shall develop a program to certify both

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2843 volunteer and paid mediators to provide mediation of condominium
2844 disputes. The division shall provide, upon request, a list of
2845 such mediators to any association, unit owner, or other
2846 participant in alternative dispute resolution proceedings under
2847 s. 718.1255 requesting a copy of the list. The division shall
2848 include on the list of volunteer mediators only the names of
2849 persons who have received at least 20 hours of training in
2850 mediation techniques or who have mediated at least 20 disputes.
2851 In order to become initially certified by the division, paid
2852 mediators must be certified by the Supreme Court to mediate
2853 court cases in county or circuit courts. However, the division
2854 may adopt, by rule, additional factors for the certification of
2855 paid mediators, which must be related to experience, education,
2856 or background. Any person initially certified as a paid mediator
2857 by the division must, in order to continue to be certified,
2858 comply with the factors or requirements adopted by rule.

2859 (n) ~~(m)~~ If a complaint is made, the division must conduct
2860 its inquiry with due regard for the interests of the affected
2861 parties. Within 30 days after receipt of a complaint, the
2862 division shall acknowledge the complaint in writing and notify
2863 the complainant whether the complaint is within the jurisdiction
2864 of the division and whether additional information is needed by
2865 the division from the complainant. The division shall conduct
2866 its investigation and, within 90 days after receipt of the
2867 original complaint or of timely requested additional
2868 information, take action upon the complaint. However, the
2869 failure to complete the investigation within 90 days does not
2870 prevent the division from continuing the investigation,
2871 accepting or considering evidence obtained or received after 90

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2872 days, or taking administrative action if reasonable cause exists
2873 to believe that a violation of this chapter or a rule has
2874 occurred. If an investigation is not completed within the time
2875 limits established in this paragraph, the division shall, on a
2876 monthly basis, notify the complainant in writing of the status
2877 of the investigation. When reporting its action to the
2878 complainant, the division shall inform the complainant of any
2879 right to a hearing under ss. 120.569 and 120.57. The division
2880 may adopt rules regarding the submission of a complaint against
2881 an association.

2882 (o)~~(n)~~ Condominium association directors, officers, and
2883 employees; condominium developers; bulk assignees, bulk buyers,
2884 and community association managers; and community association
2885 management firms have an ongoing duty to reasonably cooperate
2886 with the division in any investigation under this section. The
2887 division shall refer to local law enforcement authorities any
2888 person whom the division believes has altered, destroyed,
2889 concealed, or removed any record, document, or thing required to
2890 be kept or maintained by this chapter with the purpose to impair
2891 its verity or availability in the department's investigation.
2892 The division shall refer to local law enforcement authorities
2893 any person whom the division believes has engaged in fraud,
2894 theft, embezzlement, or other criminal activity or when the
2895 division has cause to believe that fraud, theft, embezzlement,
2896 or other criminal activity has occurred.

2897 (p)~~(o)~~ The division director or any officer or employee of
2898 the division, and the condominium ombudsman or an employee of
2899 the Office of the Condominium Ombudsman, may attend and observe
2900 any meeting of the board of administration or unit owner

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2901 meeting, including any meeting of a subcommittee or special
2902 committee, that is open to members of the association for the
2903 purpose of performing the duties of the division or the Office
2904 of the Condominium Ombudsman under this chapter.

2905 (g) The division may:

2906 1. Contract with agencies in this state or other
2907 jurisdictions to perform investigative functions; or

2908 2. Accept grants-in-aid from any source.

2909 (r)~~(p)~~ The division shall cooperate with similar agencies
2910 in other jurisdictions to establish uniform filing procedures
2911 and forms, public offering statements, advertising standards,
2912 and rules and common administrative practices.

2913 (s)~~(q)~~ The division shall consider notice to a developer,
2914 bulk assignee, or bulk buyer to be complete when it is delivered
2915 to the address of the developer, bulk assignee, or bulk buyer
2916 currently on file with the division.

2917 (t)~~(r)~~ In addition to its enforcement authority, the
2918 division may issue a notice to show cause, which must provide
2919 for a hearing, upon written request, in accordance with chapter
2920 120.

2921 (u) If the division receives a complaint regarding access
2922 to official records on the association website under s.
2923 718.111(12)(g), the division may request access to the
2924 association website and investigate the complaint. The division
2925 may adopt rules to carry out this provision.

2926 (v)~~(s)~~ The division shall submit to the Governor, the
2927 President of the Senate, the Speaker of the House of
2928 Representatives, and the chairs of the legislative
2929 appropriations committees an annual report that includes, but

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2930 need not be limited to, the number of training programs provided
2931 for condominium association board members and unit owners, the
2932 number of complaints received by type, the number and percent of
2933 complaints acknowledged in writing within 30 days and the number
2934 and percent of investigations acted upon within 90 days in
2935 accordance with paragraph (m), and the number of investigations
2936 exceeding the 90-day requirement. The annual report must also
2937 include an evaluation of the division's core business processes
2938 and make recommendations for improvements, including statutory
2939 changes. After December 31, 2024, the division must include the
2940 uniform resource locator for the Internet address to the list of
2941 the associations that have completed their structural reserve
2942 study under section 718.112(2)(g). The report shall be submitted
2943 by September 30 following the end of the fiscal year.

2944 (2) (a) Each condominium association which operates more
2945 than two units shall pay to the division an annual fee in the
2946 amount of \$4 for each residential unit in condominiums operated
2947 by the association. If the fee is not paid by March 1, the
2948 association shall be assessed a penalty of 10 percent of the
2949 amount due, and the association will not have standing to
2950 maintain or defend any action in the courts of this state until
2951 the amount due, plus any penalty, is paid.

2952 (b) All fees shall be deposited in the Division of Florida
2953 Condominiums, Timeshares, and Mobile Homes Trust Fund as
2954 provided by law.

2955 (c) On the certification form provided by the division, the
2956 directors of the association shall certify that each director of
2957 the association has completed the written certification and
2958 educational certificate requirements in s. 718.112(2)(d)4.b.

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2959 This certification requirement does not apply to the directors
2960 of an association governing a timeshare condominium.

2961 Section 24. Subsection (2) of section 718.5011, Florida
2962 Statutes, is amended to read:

2963 718.5011 Ombudsman; appointment; administration.—

2964 (2) The secretary of the Department of Business and
2965 Professional Regulation ~~Governor~~ shall appoint the ombudsman,
2966 ~~who. The ombudsman must be an attorney admitted to practice~~
2967 ~~before the Florida Supreme Court and shall serve at the pleasure~~
2968 of the secretary ~~Governor~~. A vacancy in the office shall be
2969 filled in the same manner as the original appointment. An
2970 officer or full-time employee of the ombudsman's office may not
2971 actively engage in any other business or profession that
2972 directly or indirectly relates to or conflicts with his or her
2973 work in the ombudsman's office; serve as the representative of
2974 any political party, executive committee, or other governing
2975 body of a political party; serve as an executive, officer, or
2976 employee of a political party; receive remuneration for
2977 activities on behalf of any candidate for public office; or
2978 engage in soliciting votes or other activities on behalf of a
2979 candidate for public office. The ombudsman or any employee of
2980 his or her office may not become a candidate for election to
2981 public office unless he or she first resigns from his or her
2982 office or employment.

2983 Section 25. Effective October 1, 2024, paragraph (a) of
2984 subsection (2) and subsection (3) of section 718.503, Florida
2985 Statutes, are amended to read:

2986 718.503 Developer disclosure prior to sale; nondeveloper
2987 unit owner disclosure prior to sale; voidability.—

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2988 (2) NONDEVELOPER DISCLOSURE.—

2989 (a) Each unit owner who is not a developer as defined by
2990 this chapter must comply with this subsection before the sale of
2991 his or her unit. Each prospective purchaser who has entered into
2992 a contract for the purchase of a condominium unit is entitled,
2993 at the seller's expense, to a current copy of all of the
2994 following:

2995 1. The declaration of condominium.

2996 2. Articles of incorporation of the association.

2997 3. Bylaws and rules of the association.

2998 4. An annual financial statement and an annual budget of
2999 the condominium association ~~Financial information required by s.~~
3000 ~~718.111.~~

3001 5. A copy of the inspector-prepared summary of the
3002 milestone inspection report as described in s. 553.899, if
3003 applicable.

3004 6. The association's most recent structural integrity
3005 reserve study or a statement that the association has not
3006 completed a structural integrity reserve study.

3007 7. A copy of the inspection report described in s.
3008 718.301(4)(p) and (q) for a turnover inspection performed on or
3009 after July 1, 2023.

3010 8. The document entitled "Frequently Asked Questions and
3011 Answers" required by s. 718.504.

3012 (3) OTHER DISCLOSURES ~~DISCLOSURE~~.—

3013 (a) If residential condominium parcels are offered for sale
3014 or lease prior to completion of construction of the units and of
3015 improvements to the common elements, or prior to completion of
3016 remodeling of previously occupied buildings, the developer must

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3017 ~~shall~~ make available to each prospective purchaser or lessee,
3018 for his or her inspection at a place convenient to the site, a
3019 copy of the complete plans and specifications for the
3020 construction or remodeling of the unit offered to him or her and
3021 of the improvements to the common elements appurtenant to the
3022 unit.

3023 (b) Sales brochures, if any, must ~~shall~~ be provided to each
3024 purchaser, and the following caveat in conspicuous type must
3025 ~~shall~~ be placed on the inside front cover or on the first page
3026 containing text material of the sales brochure, or otherwise
3027 conspicuously displayed: "ORAL REPRESENTATIONS CANNOT BE RELIED
3028 UPON AS CORRECTLY STATING REPRESENTATIONS OF THE DEVELOPER. FOR
3029 CORRECT REPRESENTATIONS, MAKE REFERENCE TO THIS BROCHURE AND TO
3030 THE DOCUMENTS REQUIRED BY SECTION 718.503, FLORIDA STATUTES, TO
3031 BE FURNISHED BY A DEVELOPER TO A BUYER OR LESSEE." If timeshare
3032 estates have been or may be created with respect to any unit in
3033 the condominium, the sales brochure must ~~shall~~ contain the
3034 following statement in conspicuous type: "UNITS IN THIS
3035 CONDOMINIUM ARE SUBJECT TO TIMESHARE ESTATES."

3036 (c) If a unit is located within a condominium that is
3037 created within a portion of a building or within a multiple
3038 parcel building, the developer or nondeveloper unit owner must
3039 provide the disclosures required by s. 718.407(5).

3040 Section 26. Effective October 1, 2024, section 718.504,
3041 Florida Statutes, is amended to read:

3042 718.504 Prospectus or offering circular.—Every developer of
3043 a residential condominium which contains more than 20
3044 residential units, or which is part of a group of residential
3045 condominiums which will be served by property to be used in

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3046 common by unit owners of more than 20 residential units, shall
3047 prepare a prospectus or offering circular and file it with the
3048 Division of Florida Condominiums, Timeshares, and Mobile Homes
3049 prior to entering into an enforceable contract of purchase and
3050 sale of any unit or lease of a unit for more than 5 years and
3051 shall furnish a copy of the prospectus or offering circular to
3052 each buyer. In addition to the prospectus or offering circular,
3053 each buyer shall be furnished a separate page entitled
3054 "Frequently Asked Questions and Answers," which shall be in
3055 accordance with a format approved by the division and a copy of
3056 the financial information required by s. 718.111. This page
3057 shall, in readable language, inform prospective purchasers
3058 regarding their voting rights and unit use restrictions,
3059 including restrictions on the leasing of a unit; shall indicate
3060 whether and in what amount the unit owners or the association is
3061 obligated to pay rent or land use fees for recreational or other
3062 commonly used facilities; shall contain a statement identifying
3063 that amount of assessment which, pursuant to the budget, would
3064 be levied upon each unit type, exclusive of any special
3065 assessments, and which shall further identify the basis upon
3066 which assessments are levied, whether monthly, quarterly, or
3067 otherwise; shall state and identify any court cases in which the
3068 association is currently a party of record in which the
3069 association may face liability in excess of \$100,000; shall
3070 state whether the condominium is created within a portion of a
3071 building or a multiple parcel building; and which shall further
3072 state whether membership in a recreational facilities
3073 association is mandatory, and if so, shall identify the fees
3074 currently charged per unit type. The division shall by rule

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3075 require such other disclosure as in its judgment will assist
3076 prospective purchasers. The prospectus or offering circular may
3077 include more than one condominium, although not all such units
3078 are being offered for sale as of the date of the prospectus or
3079 offering circular. The prospectus or offering circular must
3080 contain the following information:

3081 (1) The front cover or the first page must contain only:

3082 (a) The name of the condominium.

3083 (b) The following statements in conspicuous type:

3084
3085 1. THIS PROSPECTUS (OFFERING CIRCULAR) CONTAINS
3086 IMPORTANT MATTERS TO BE CONSIDERED IN ACQUIRING A
3087 CONDOMINIUM UNIT.

3088 2. THE STATEMENTS CONTAINED HEREIN ARE ONLY
3089 SUMMARY IN NATURE. A PROSPECTIVE PURCHASER SHOULD
3090 REFER TO ALL REFERENCES, ALL EXHIBITS HERETO, THE
3091 CONTRACT DOCUMENTS, AND SALES MATERIALS.

3092 3. ORAL REPRESENTATIONS CANNOT BE RELIED UPON AS
3093 CORRECTLY STATING THE REPRESENTATIONS OF THE
3094 DEVELOPER. REFER TO THIS PROSPECTUS (OFFERING
3095 CIRCULAR) AND ITS EXHIBITS FOR CORRECT
3096 REPRESENTATIONS.

3097
3098 (2) Summary: The next page must contain all statements
3099 required to be in conspicuous type in the prospectus or offering
3100 circular.

3101 (3) A separate index of the contents and exhibits of the
3102 prospectus.

3103 (4) Beginning on the first page of the text (not including

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3104 the summary and index), a description of the condominium,
3105 including, but not limited to, the following information:

3106 (a) Its name and location.

3107 (b) A description of the condominium property, including,
3108 without limitation:

3109 1. The number of buildings, the number of units in each
3110 building, the number of bathrooms and bedrooms in each unit, and
3111 the total number of units, if the condominium is not a phase
3112 condominium, or the maximum number of buildings that may be
3113 contained within the condominium, the minimum and maximum
3114 numbers of units in each building, the minimum and maximum
3115 numbers of bathrooms and bedrooms that may be contained in each
3116 unit, and the maximum number of units that may be contained
3117 within the condominium, if the condominium is a phase
3118 condominium.

3119 2. The page in the condominium documents where a copy of
3120 the plot plan and survey of the condominium is located.

3121 3. The estimated latest date of completion of constructing,
3122 finishing, and equipping. In lieu of a date, the description
3123 shall include a statement that the estimated date of completion
3124 of the condominium is in the purchase agreement and a reference
3125 to the article or paragraph containing that information.

3126 (c) The maximum number of units that will use facilities in
3127 common with the condominium. If the maximum number of units will
3128 vary, a description of the basis for variation and the minimum
3129 amount of dollars per unit to be spent for additional
3130 recreational facilities or enlargement of such facilities. If
3131 the addition or enlargement of facilities will result in a
3132 material increase of a unit owner's maintenance expense or

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3133 rental expense, if any, the maximum increase and limitations
3134 thereon shall be stated.

3135 (5) (a) A statement in conspicuous type describing whether
3136 the condominium is created and being sold as fee simple
3137 interests or as leasehold interests. If the condominium is
3138 created or being sold on a leasehold, the location of the lease
3139 in the disclosure materials shall be stated.

3140 (b) If timeshare estates are or may be created with respect
3141 to any unit in the condominium, a statement in conspicuous type
3142 stating that timeshare estates are created and being sold in
3143 units in the condominium.

3144 (6) A description of the recreational and other commonly
3145 used facilities that will be used only by unit owners of the
3146 condominium, including, but not limited to, the following:

3147 (a) Each room and its intended purposes, location,
3148 approximate floor area, and capacity in numbers of people.

3149 (b) Each swimming pool, as to its general location,
3150 approximate size and depths, approximate deck size and capacity,
3151 and whether heated.

3152 (c) Additional facilities, as to the number of each
3153 facility, its approximate location, approximate size, and
3154 approximate capacity.

3155 (d) A general description of the items of personal property
3156 and the approximate number of each item of personal property
3157 that the developer is committing to furnish for each room or
3158 other facility or, in the alternative, a representation as to
3159 the minimum amount of expenditure that will be made to purchase
3160 the personal property for the facility.

3161 (e) The estimated date when each room or other facility

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3162 will be available for use by the unit owners.

3163 (f)1. An identification of each room or other facility to
3164 be used by unit owners that will not be owned by the unit owners
3165 or the association;

3166 2. A reference to the location in the disclosure materials
3167 of the lease or other agreements providing for the use of those
3168 facilities; and

3169 3. A description of the terms of the lease or other
3170 agreements, including the length of the term; the rent payable,
3171 directly or indirectly, by each unit owner, and the total rent
3172 payable to the lessor, stated in monthly and annual amounts for
3173 the entire term of the lease; and a description of any option to
3174 purchase the property leased under any such lease, including the
3175 time the option may be exercised, the purchase price or how it
3176 is to be determined, the manner of payment, and whether the
3177 option may be exercised for a unit owner's share or only as to
3178 the entire leased property.

3179 (g) A statement as to whether the developer may provide
3180 additional facilities not described above; their general
3181 locations and types; improvements or changes that may be made;
3182 the approximate dollar amount to be expended; and the maximum
3183 additional common expense or cost to the individual unit owners
3184 that may be charged during the first annual period of operation
3185 of the modified or added facilities.

3186
3187 Descriptions as to locations, areas, capacities, numbers,
3188 volumes, or sizes may be stated as approximations or minimums.

3189 (7) A description of the recreational and other facilities
3190 that will be used in common with other condominiums, community

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3191 associations, or planned developments which require the payment
3192 of the maintenance and expenses of such facilities, directly or
3193 indirectly, by the unit owners. The description shall include,
3194 but not be limited to, the following:

3195 (a) Each building and facility committed to be built and a
3196 summary description of the structural integrity of each building
3197 for which reserves are required pursuant to s. 718.112(2)(g).

3198 (b) Facilities not committed to be built except under
3199 certain conditions, and a statement of those conditions or
3200 contingencies.

3201 (c) As to each facility committed to be built, or which
3202 will be committed to be built upon the happening of one of the
3203 conditions in paragraph (b), a statement of whether it will be
3204 owned by the unit owners having the use thereof or by an
3205 association or other entity which will be controlled by them, or
3206 others, and the location in the exhibits of the lease or other
3207 document providing for use of those facilities.

3208 (d) The year in which each facility will be available for
3209 use by the unit owners or, in the alternative, the maximum
3210 number of unit owners in the project at the time each of all of
3211 the facilities is committed to be completed.

3212 (e) A general description of the items of personal
3213 property, and the approximate number of each item of personal
3214 property, that the developer is committing to furnish for each
3215 room or other facility or, in the alternative, a representation
3216 as to the minimum amount of expenditure that will be made to
3217 purchase the personal property for the facility.

3218 (f) If there are leases, a description thereof, including
3219 the length of the term, the rent payable, and a description of

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3220 any option to purchase.

3221

3222 Descriptions shall include location, areas, capacities, numbers,
3223 volumes, or sizes and may be stated as approximations or
3224 minimums.

3225 (8) Recreation lease or associated club membership:

3226 (a) If any recreational facilities or other facilities
3227 offered by the developer and available to, or to be used by,
3228 unit owners are to be leased or have club membership associated,
3229 the following statement in conspicuous type shall be included:
3230 "THERE IS A RECREATIONAL FACILITIES LEASE ASSOCIATED WITH THIS
3231 CONDOMINIUM; or, THERE IS A CLUB MEMBERSHIP ASSOCIATED WITH THIS
3232 CONDOMINIUM." There shall be a reference to the location in the
3233 disclosure materials where the recreation lease or club
3234 membership is described in detail.

3235 (b) If it is mandatory that unit owners pay a fee, rent,
3236 dues, or other charges under a recreational facilities lease or
3237 club membership for the use of facilities, there shall be in
3238 conspicuous type the applicable statement:

3239 1. MEMBERSHIP IN THE RECREATIONAL FACILITIES CLUB IS
3240 MANDATORY FOR UNIT OWNERS; or

3241 2. UNIT OWNERS ARE REQUIRED, AS A CONDITION OF OWNERSHIP,
3242 TO BE LESSEES UNDER THE RECREATIONAL FACILITIES LEASE; or

3243 3. UNIT OWNERS ARE REQUIRED TO PAY THEIR SHARE OF THE COSTS
3244 AND EXPENSES OF MAINTENANCE, MANAGEMENT, UPKEEP, REPLACEMENT,
3245 RENT, AND FEES UNDER THE RECREATIONAL FACILITIES LEASE (OR THE
3246 OTHER INSTRUMENTS PROVIDING THE FACILITIES); or

3247 4. A similar statement of the nature of the organization or
3248 the manner in which the use rights are created, and that unit

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3249 owners are required to pay.

3250

3251 Immediately following the applicable statement, the location in
3252 the disclosure materials where the development is described in
3253 detail shall be stated.

3254 (c) If the developer, or any other person other than the
3255 unit owners and other persons having use rights in the
3256 facilities, reserves, or is entitled to receive, any rent, fee,
3257 or other payment for the use of the facilities, then there shall
3258 be the following statement in conspicuous type: "THE UNIT OWNERS
3259 OR THE ASSOCIATION(S) MUST PAY RENT OR LAND USE FEES FOR
3260 RECREATIONAL OR OTHER COMMONLY USED FACILITIES." Immediately
3261 following this statement, the location in the disclosure
3262 materials where the rent or land use fees are described in
3263 detail shall be stated.

3264 (d) If, in any recreation format, whether leasehold, club,
3265 or other, any person other than the association has the right to
3266 a lien on the units to secure the payment of assessments, rent,
3267 or other exactions, there shall appear a statement in
3268 conspicuous type in substantially the following form:

3269

3270 1. THERE IS A LIEN OR LIEN RIGHT AGAINST EACH
3271 UNIT TO SECURE THE PAYMENT OF RENT AND OTHER EXACTIONS
3272 UNDER THE RECREATION LEASE. THE UNIT OWNER'S FAILURE
3273 TO MAKE THESE PAYMENTS MAY RESULT IN FORECLOSURE OF
3274 THE LIEN; or

3275 2. THERE IS A LIEN OR LIEN RIGHT AGAINST EACH
3276 UNIT TO SECURE THE PAYMENT OF ASSESSMENTS OR OTHER
3277 EXACTIONS COMING DUE FOR THE USE, MAINTENANCE, UPKEEP,

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3278 OR REPAIR OF THE RECREATIONAL OR COMMONLY USED
3279 FACILITIES. THE UNIT OWNER'S FAILURE TO MAKE THESE
3280 PAYMENTS MAY RESULT IN FORECLOSURE OF THE LIEN.
3281

3282 Immediately following the applicable statement, the location in
3283 the disclosure materials where the lien or lien right is
3284 described in detail shall be stated.

3285 (9) If the developer or any other person has the right to
3286 increase or add to the recreational facilities at any time after
3287 the establishment of the condominium whose unit owners have use
3288 rights therein, without the consent of the unit owners or
3289 associations being required, there shall appear a statement in
3290 conspicuous type in substantially the following form:

3291 "RECREATIONAL FACILITIES MAY BE EXPANDED OR ADDED WITHOUT
3292 CONSENT OF UNIT OWNERS OR THE ASSOCIATION(S)." Immediately
3293 following this statement, the location in the disclosure
3294 materials where such reserved rights are described shall be
3295 stated.

3296 (10) A statement of whether the developer's plan includes a
3297 program of leasing units rather than selling them, or leasing
3298 units and selling them subject to such leases. If so, there
3299 shall be a description of the plan, including the number and
3300 identification of the units and the provisions and term of the
3301 proposed leases, and a statement in boldfaced type that: "THE
3302 UNITS MAY BE TRANSFERRED SUBJECT TO A LEASE."

3303 (11) The arrangements for management of the association and
3304 maintenance and operation of the condominium property and of
3305 other property that will serve the unit owners of the
3306 condominium property, and a description of the management

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3307 contract and all other contracts for these purposes having a
3308 term in excess of 1 year, including the following:

- 3309 (a) The names of contracting parties.
- 3310 (b) The term of the contract.
- 3311 (c) The nature of the services included.
- 3312 (d) The compensation, stated on a monthly and annual basis,
3313 and provisions for increases in the compensation.
- 3314 (e) A reference to the volumes and pages of the condominium
3315 documents and of the exhibits containing copies of such
3316 contracts.

3317
3318 Copies of all described contracts shall be attached as exhibits.
3319 If there is a contract for the management of the condominium
3320 property, then a statement in conspicuous type in substantially
3321 the following form shall appear, identifying the proposed or
3322 existing contract manager: "THERE IS (IS TO BE) A CONTRACT FOR
3323 THE MANAGEMENT OF THE CONDOMINIUM PROPERTY WITH (NAME OF THE
3324 CONTRACT MANAGER)." Immediately following this statement, the
3325 location in the disclosure materials of the contract for
3326 management of the condominium property shall be stated.

3327 (12) If the developer or any other person or persons other
3328 than the unit owners has the right to retain control of the
3329 board of administration of the association for a period of time
3330 which can exceed 1 year after the closing of the sale of a
3331 majority of the units in that condominium to persons other than
3332 successors or alternate developers, then a statement in
3333 conspicuous type in substantially the following form shall be
3334 included: "THE DEVELOPER (OR OTHER PERSON) HAS THE RIGHT TO
3335 RETAIN CONTROL OF THE ASSOCIATION AFTER A MAJORITY OF THE UNITS

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3336 HAVE BEEN SOLD.” Immediately following this statement, the
3337 location in the disclosure materials where this right to control
3338 is described in detail shall be stated.

3339 (13) If there are any restrictions upon the sale, transfer,
3340 conveyance, or leasing of a unit, then a statement in
3341 conspicuous type in substantially the following form shall be
3342 included: “THE SALE, LEASE, OR TRANSFER OF UNITS IS RESTRICTED
3343 OR CONTROLLED.” Immediately following this statement, the
3344 location in the disclosure materials where the restriction,
3345 limitation, or control on the sale, lease, or transfer of units
3346 is described in detail shall be stated.

3347 (14) If the condominium is part of a phase project, the
3348 following information shall be stated:

3349 (a) A statement in conspicuous type in substantially the
3350 following form: “THIS IS A PHASE CONDOMINIUM. ADDITIONAL LAND
3351 AND UNITS MAY BE ADDED TO THIS CONDOMINIUM.” Immediately
3352 following this statement, the location in the disclosure
3353 materials where the phasing is described shall be stated.

3354 (b) A summary of the provisions of the declaration which
3355 provide for the phasing.

3356 (c) A statement as to whether or not residential buildings
3357 and units which are added to the condominium may be
3358 substantially different from the residential buildings and units
3359 originally in the condominium. If the added residential
3360 buildings and units may be substantially different, there shall
3361 be a general description of the extent to which such added
3362 residential buildings and units may differ, and a statement in
3363 conspicuous type in substantially the following form shall be
3364 included: “BUILDINGS AND UNITS WHICH ARE ADDED TO THE

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3365 CONDOMINIUM MAY BE SUBSTANTIALLY DIFFERENT FROM THE OTHER
3366 BUILDINGS AND UNITS IN THE CONDOMINIUM.” Immediately following
3367 this statement, the location in the disclosure materials where
3368 the extent to which added residential buildings and units may
3369 substantially differ is described shall be stated.

3370 (d) A statement of the maximum number of buildings
3371 containing units, the maximum and minimum numbers of units in
3372 each building, the maximum number of units, and the minimum and
3373 maximum square footage of the units that may be contained within
3374 each parcel of land which may be added to the condominium.

3375 (15) If a condominium created on or after July 1, 2000, is
3376 or may become part of a multicondominium, the following
3377 information must be provided:

3378 (a) A statement in conspicuous type in substantially the
3379 following form: “THIS CONDOMINIUM IS (MAY BE) PART OF A
3380 MULTICONDOMINIUM DEVELOPMENT IN WHICH OTHER CONDOMINIUMS WILL
3381 (MAY) BE OPERATED BY THE SAME ASSOCIATION.” Immediately
3382 following this statement, the location in the prospectus or
3383 offering circular and its exhibits where the multicondominium
3384 aspects of the offering are described must be stated.

3385 (b) A summary of the provisions in the declaration,
3386 articles of incorporation, and bylaws which establish and
3387 provide for the operation of the multicondominium, including a
3388 statement as to whether unit owners in the condominium will have
3389 the right to use recreational or other facilities located or
3390 planned to be located in other condominiums operated by the same
3391 association, and the manner of sharing the common expenses
3392 related to such facilities.

3393 (c) A statement of the minimum and maximum number of

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3394 condominiums, and the minimum and maximum number of units in
3395 each of those condominiums, which will or may be operated by the
3396 association, and the latest date by which the exact number will
3397 be finally determined.

3398 (d) A statement as to whether any of the condominiums in
3399 the multicondominium may include units intended to be used for
3400 nonresidential purposes and the purpose or purposes permitted
3401 for such use.

3402 (e) A general description of the location and approximate
3403 acreage of any land on which any additional condominiums to be
3404 operated by the association may be located.

3405 (16) If the condominium is created by conversion of
3406 existing improvements, the following information shall be
3407 stated:

3408 (a) The information required by s. 718.616.

3409 (b) A caveat that there are no express warranties unless
3410 they are stated in writing by the developer.

3411 (17) A summary of the restrictions, if any, to be imposed
3412 on units concerning the use of any of the condominium property,
3413 including statements as to whether there are restrictions upon
3414 children and pets, and reference to the volumes and pages of the
3415 condominium documents where such restrictions are found, or if
3416 such restrictions are contained elsewhere, then a copy of the
3417 documents containing the restrictions shall be attached as an
3418 exhibit.

3419 (18) If there is any land that is offered by the developer
3420 for use by the unit owners and that is neither owned by them nor
3421 leased to them, the association, or any entity controlled by
3422 unit owners and other persons having the use rights to such

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3423 land, a statement shall be made as to how such land will serve
3424 the condominium. If any part of such land will serve the
3425 condominium, the statement shall describe the land and the
3426 nature and term of service, and the declaration or other
3427 instrument creating such servitude shall be included as an
3428 exhibit.

3429 (19) The manner in which utility and other services,
3430 including, but not limited to, sewage and waste disposal, water
3431 supply, and storm drainage, will be provided and the person or
3432 entity furnishing them.

3433 (20) An explanation of the manner in which the
3434 apportionment of common expenses and ownership of the common
3435 elements has been determined.

3436 (21) An estimated operating budget for the condominium and
3437 the association, and a schedule of the unit owner's expenses
3438 shall be attached as an exhibit and shall contain the following
3439 information:

3440 (a) The estimated monthly and annual expenses of the
3441 condominium and the association that are collected from unit
3442 owners by assessments.

3443 (b) The estimated monthly and annual expenses of each unit
3444 owner for a unit, other than common expenses paid by all unit
3445 owners, payable by the unit owner to persons or entities other
3446 than the association, as well as to the association, including
3447 fees assessed pursuant to s. 718.113(1) for maintenance of
3448 limited common elements where such costs are shared only by
3449 those entitled to use the limited common element, and the total
3450 estimated monthly and annual expense. There may be excluded from
3451 this estimate expenses which are not provided for or

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3452 contemplated by the condominium documents, including, but not
3453 limited to, the costs of private telephone; maintenance of the
3454 interior of condominium units, which is not the obligation of
3455 the association; maid or janitorial services privately
3456 contracted for by the unit owners; utility bills billed directly
3457 to each unit owner for utility services to his or her unit;
3458 insurance premiums other than those incurred for policies
3459 obtained by the condominium; and similar personal expenses of
3460 the unit owner. A unit owner's estimated payments for
3461 assessments shall also be stated in the estimated amounts for
3462 the times when they will be due.

3463 (c) The estimated items of expenses of the condominium and
3464 the association, except as excluded under paragraph (b),
3465 including, but not limited to, the following items, which shall
3466 be stated as an association expense collectible by assessments
3467 or as unit owners' expenses payable to persons other than the
3468 association:

- 3469 1. Expenses for the association and condominium:
3470 a. Administration of the association.
3471 b. Management fees.
3472 c. Maintenance.
3473 d. Rent for recreational and other commonly used
3474 facilities.
3475 e. Taxes upon association property.
3476 f. Taxes upon leased areas.
3477 g. Insurance.
3478 h. Security provisions.
3479 i. Other expenses.
3480 j. Operating capital.

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3481 k. Reserves for all applicable items referenced in s.
3482 718.112(2)(g).

3483 1. Fees payable to the division.

3484 2. Expenses for a unit owner:

3485 a. Rent for the unit, if subject to a lease.

3486 b. Rent payable by the unit owner directly to the lessor or
3487 agent under any recreational lease or lease for the use of
3488 commonly used facilities, which use and payment is a mandatory
3489 condition of ownership and is not included in the common expense
3490 or assessments for common maintenance paid by the unit owners to
3491 the association.

3492 (d) The following statement in conspicuous type:

3493
3494 THE BUDGET CONTAINED IN THIS OFFERING CIRCULAR HAS
3495 BEEN PREPARED IN ACCORDANCE WITH THE CONDOMINIUM ACT
3496 AND IS A GOOD FAITH ESTIMATE ONLY AND REPRESENTS AN
3497 APPROXIMATION OF FUTURE EXPENSES BASED ON FACTS AND
3498 CIRCUMSTANCES EXISTING AT THE TIME OF ITS PREPARATION.
3499 ACTUAL COSTS OF SUCH ITEMS MAY EXCEED THE ESTIMATED
3500 COSTS. SUCH CHANGES IN COST DO NOT CONSTITUTE MATERIAL
3501 ADVERSE CHANGES IN THE OFFERING.

3502

3503 (e) Each budget for an association prepared by a developer
3504 consistent with this subsection shall be prepared in good faith
3505 and shall reflect accurate estimated amounts for the required
3506 items in paragraph (c) at the time of the filing of the offering
3507 circular with the division, and subsequent increased amounts of
3508 any item included in the association's estimated budget that are
3509 beyond the control of the developer shall not be considered an

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3510 amendment that would give rise to rescission rights set forth in
3511 s. 718.503(1)(a) or (b), nor shall such increases modify, void,
3512 or otherwise affect any guarantee of the developer contained in
3513 the offering circular or any purchase contract. It is the intent
3514 of this paragraph to clarify existing law.

3515 (f) The estimated amounts shall be stated for a period of
3516 at least 12 months and may distinguish between the period prior
3517 to the time unit owners other than the developer elect a
3518 majority of the board of administration and the period after
3519 that date.

3520 (22) A schedule of estimated closing expenses to be paid by
3521 a buyer or lessee of a unit and a statement of whether title
3522 opinion or title insurance policy is available to the buyer and,
3523 if so, at whose expense.

3524 (23) The identity of the developer and the chief operating
3525 officer or principal directing the creation and sale of the
3526 condominium and a statement of its and his or her experience in
3527 this field.

3528 (24) Copies of the following, to the extent they are
3529 applicable, shall be included as exhibits:

3530 (a) The declaration of condominium, or the proposed
3531 declaration if the declaration has not been recorded.

3532 (b) The articles of incorporation creating the association.

3533 (c) The bylaws of the association.

3534 (d) The ground lease or other underlying lease of the
3535 condominium.

3536 (e) The management agreement and all maintenance and other
3537 contracts for management of the association and operation of the
3538 condominium and facilities used by the unit owners having a

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3539 service term in excess of 1 year.

3540 (f) The estimated operating budget for the condominium, the
3541 required schedule of unit owners' expenses, and the
3542 association's most recent structural integrity reserve study or
3543 a statement that the association has not completed a structural
3544 integrity reserve study.

3545 (g) A copy of the floor plan of the unit and the plot plan
3546 showing the location of the residential buildings and the
3547 recreation and other common areas.

3548 (h) The lease of recreational and other facilities that
3549 will be used only by unit owners of the subject condominium.

3550 (i) The lease of facilities used by owners and others.

3551 (j) The form of unit lease, if the offer is of a leasehold.

3552 (k) A declaration of servitude of properties serving the
3553 condominium but not owned by unit owners or leased to them or
3554 the association.

3555 (l) The statement of condition of the existing building or
3556 buildings, if the offering is of units in an operation being
3557 converted to condominium ownership.

3558 (m) The statement of inspection for termite damage and
3559 treatment of the existing improvements, if the condominium is a
3560 conversion.

3561 (n) The form of agreement for sale or lease of units.

3562 (o) A copy of the agreement for escrow of payments made to
3563 the developer prior to closing.

3564 (p) A copy of the documents containing any restrictions on
3565 use of the property required by subsection (17).

3566 (q) A copy of the inspector-prepared summary of the
3567 milestone inspection report as described in ss. 553.899 and

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3568 718.301(4)(p), as applicable.

3569 (25) Any prospectus or offering circular complying, prior
3570 to the effective date of this act, with the provisions of former
3571 ss. 711.69 and 711.802 may continue to be used without amendment
3572 or may be amended to comply with this chapter.

3573 (26) A brief narrative description of the location and
3574 effect of all existing and intended easements located or to be
3575 located on the condominium property other than those described
3576 in the declaration.

3577 (27) If the developer is required by state or local
3578 authorities to obtain acceptance or approval of any dock or
3579 marina facilities intended to serve the condominium, a copy of
3580 any such acceptance or approval acquired by the time of filing
3581 with the division under s. 718.502(1) or a statement that such
3582 acceptance or approval has not been acquired or received.

3583 (28) Evidence demonstrating that the developer has an
3584 ownership, leasehold, or contractual interest in the land upon
3585 which the condominium is to be developed.

3586 Section 27. Subsection (1) of section 718.618, Florida
3587 Statutes, is amended to read:

3588 718.618 Converter reserve accounts; warranties.—

3589 (1) When existing improvements are converted to ownership
3590 as a residential condominium, the developer shall establish
3591 converter reserve accounts for capital expenditures and planned
3592 ~~deferred~~ maintenance, or give warranties as provided by
3593 subsection (6), or post a surety bond as provided by subsection
3594 (7). The developer shall fund the converter reserve accounts in
3595 amounts calculated as follows:

3596 (a)1. When the existing improvements include an air-

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3597 conditioning system serving more than one unit or property which
 3598 the association is responsible to repair, maintain, or replace,
 3599 the developer shall fund an air-conditioning reserve account.
 3600 The amount of the reserve account shall be the product of the
 3601 estimated current replacement cost of the system, as disclosed
 3602 and substantiated pursuant to s. 718.616(3)(b), multiplied by a
 3603 fraction, the numerator of which shall be the lesser of the age
 3604 of the system in years or 9, and the denominator of which shall
 3605 be 10. When such air-conditioning system is within 1,000 yards
 3606 of the seacoast, the numerator shall be the lesser of the age of
 3607 the system in years or 3, and the denominator shall be 4.

3608 2. The developer shall fund a plumbing reserve account. The
 3609 amount of the funding shall be the product of the estimated
 3610 current replacement cost of the plumbing component, as disclosed
 3611 and substantiated pursuant to s. 718.616(3)(b), multiplied by a
 3612 fraction, the numerator of which shall be the lesser of the age
 3613 of the plumbing in years or 36, and the denominator of which
 3614 shall be 40.

3615 3. The developer shall fund a roof reserve account. The
 3616 amount of the funding shall be the product of the estimated
 3617 current replacement cost of the roofing component, as disclosed
 3618 and substantiated pursuant to s. 718.616(3)(b), multiplied by a
 3619 fraction, the numerator of which shall be the lesser of the age
 3620 of the roof in years or the numerator listed in the following
 3621 table. The denominator of the fraction shall be determined based
 3622 on the roof type, as follows:

3623

Roof Type	Numerator	Denominator

3624

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3625	a. Built-up roof without insulation	4	5
3626	b. Built-up roof with insulation	4	5
3627	c. Cement tile roof	45	50
3628	d. Asphalt shingle roof	14	15
3629	e. Copper roof		
3630	f. Wood shingle roof	9	10
3631	g. All other types	18	20

3633 (b) The age of any component or structure for which the
 3634 developer is required to fund a reserve account shall be
 3635 measured in years, rounded to the nearest whole year. The amount
 3636 of converter reserves to be funded by the developer for each
 3637 structure or component shall be based on the age of the
 3638 structure or component as disclosed in the inspection report.
 3639 The architect or engineer shall determine the age of the
 3640 component from the later of:

3641 1. The date when the component or structure was replaced or
 3642 substantially renewed, if the replacement or renewal of the
 3643 component at least met the requirements of the then-applicable

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3644 building code; or

3645 2. The date when the installation or construction of the
3646 existing component or structure was completed.

3647 (c) When the age of a component or structure is to be
3648 measured from the date of replacement or renewal, the developer
3649 shall provide the division with a certificate, under the seal of
3650 an architect or engineer authorized to practice in this state,
3651 verifying:

3652 1. The date of the replacement or renewal; and

3653 2. That the replacement or renewal at least met the
3654 requirements of the then-applicable building code.

3655 (d) In addition to establishing the reserve accounts
3656 specified above, the developer shall establish those other
3657 reserve accounts required by s. 718.112(2)(f), and shall fund
3658 those accounts in accordance with the formula provided therein.
3659 The vote to waive or reduce the funding or reserves required by
3660 s. 718.112(2)(f) does not affect or negate the obligations
3661 arising under this section.

3662 Section 28. Paragraphs (j) and (k) of subsection (1) of
3663 section 719.106, Florida Statutes, are amended to read:

3664 719.106 Bylaws; cooperative ownership.—

3665 (1) MANDATORY PROVISIONS.—The bylaws or other cooperative
3666 documents shall provide for the following, and if they do not,
3667 they shall be deemed to include the following:

3668 (j) *Annual budget*.—

3669 1. The proposed annual budget of common expenses must be
3670 detailed and must show the amounts budgeted by accounts and
3671 expense classifications, including, if applicable, but not
3672 limited to, those expenses listed in s. 719.504(20). The board

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3673 of administration shall adopt the annual budget at least 14 days
3674 before the start of the association's fiscal year. In the event
3675 that the board fails to timely adopt the annual budget a second
3676 time, it is deemed a minor violation and the prior year's budget
3677 shall continue in effect until a new budget is adopted.

3678 2. In addition to annual operating expenses, the budget
3679 must include reserve accounts for capital expenditures and
3680 planned ~~deferred~~ maintenance. These accounts must include, but
3681 not be limited to, roof replacement, building painting, and
3682 pavement resurfacing, regardless of the amount of planned
3683 ~~deferred~~ maintenance expense or replacement cost, and for any
3684 other items for which the planned ~~deferred~~ maintenance expense
3685 or replacement cost exceeds \$10,000. The amount to be reserved
3686 must be computed by means of a formula which is based upon
3687 estimated remaining useful life and estimated replacement cost
3688 or planned ~~deferred~~ maintenance expense of the reserve item. In
3689 a budget adopted by an association that is required to obtain a
3690 structural integrity reserve study, reserves must be maintained
3691 for the items identified in paragraph (k) for which the
3692 association is responsible pursuant to the declaration, and the
3693 reserve amount for such items must be based on the findings and
3694 recommendations of the association's most recent structural
3695 integrity reserve study. With respect to items for which an
3696 estimate of useful life is not readily ascertainable or with an
3697 estimated remaining useful life of greater than 25 years, an
3698 association is not required to reserve replacement costs for
3699 such items, but an association must reserve the amount of
3700 planned ~~deferred~~ maintenance expense, if any, which is
3701 recommended by the structural integrity reserve study for such

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3702 items. The association may adjust replacement reserve
3703 assessments annually to take into account an inflation
3704 adjustment and any changes in estimates or extension of the
3705 useful life of a reserve item caused by planned ~~deferred~~
3706 maintenance. The members of a unit-owner-controlled association
3707 may determine, by a majority vote of the total voting interests
3708 of the association, for a fiscal year to provide no reserves or
3709 reserves less adequate than required by this subsection. Before
3710 turnover of control of an association by a developer to unit
3711 owners other than a developer under s. 719.301, the developer-
3712 controlled association may not vote to waive the reserves or
3713 reduce funding of the reserves. For a budget adopted on or after
3714 December 31, 2024, a unit-owner-controlled association that must
3715 obtain a structural integrity reserve study may not determine to
3716 provide no reserves or reserves less adequate than required by
3717 this paragraph for items listed in paragraph (k). If a meeting
3718 of the unit owners has been called to determine to provide no
3719 reserves, or reserves less adequate than required, and such
3720 result is not attained or a quorum is not attained, the reserves
3721 as included in the budget shall go into effect.

3722 3. Reserve funds and any interest accruing thereon shall
3723 remain in the reserve account or accounts, and shall be used
3724 only for authorized reserve expenditures unless their use for
3725 other purposes is approved in advance by a vote of the majority
3726 of the total voting interests of the association. Before
3727 turnover of control of an association by a developer to unit
3728 owners other than the developer under s. 719.301, the developer
3729 may not vote to use reserves for purposes other than that for
3730 which they were intended. For a budget adopted on or after

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3731 December 31, 2024, members of a unit-owner-controlled
3732 association that must obtain a structural integrity reserve
3733 study may not vote to use reserve funds, or any interest
3734 accruing thereon, for purposes other than the replacement or
3735 planned ~~deferred~~ maintenance costs of the components listed in
3736 paragraph (k).

3737 (k) *Structural integrity reserve study.*—

3738 1. A residential cooperative association must have a
3739 structural integrity reserve study completed at least every 10
3740 years for each building on the cooperative property that is
3741 three stories or higher in height, as determined by the Florida
3742 Building Code, that includes, at a minimum, a study of the
3743 following items as related to the structural integrity and
3744 safety of the building:

3745 a. Roof.

3746 b. Structure, including load-bearing walls and other
3747 primary structural members and primary structural systems as
3748 those terms are defined in s. 627.706.

3749 c. Fireproofing and fire protection systems.

3750 d. Plumbing.

3751 e. Electrical systems.

3752 f. Waterproofing and exterior painting.

3753 g. Windows and exterior doors.

3754 h. Any other item that has a planned ~~deferred~~ maintenance
3755 expense or replacement cost that exceeds \$10,000 and the failure
3756 to replace or maintain such item negatively affects the items
3757 listed in sub-subparagraphs a.-g., as determined by the visual
3758 inspection portion of the structural integrity reserve study.

3759 2. A structural integrity reserve study is based on a

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3760 visual inspection of the cooperative property. A structural
3761 integrity reserve study may be performed by any person qualified
3762 to perform such study. However, the visual inspection portion of
3763 the structural integrity reserve study must be performed or
3764 verified by an engineer licensed under chapter 471, an architect
3765 licensed under chapter 481, or a person certified as a reserve
3766 specialist or professional reserve analyst by the Community
3767 Associations Institute or the Association of Professional
3768 Reserve Analysts.

3769 3. At a minimum, a structural integrity reserve study must
3770 identify each item of the cooperative property being visually
3771 inspected, state the estimated remaining useful life and the
3772 estimated replacement cost or planned ~~deferred~~ maintenance
3773 expense of each item of the cooperative property being visually
3774 inspected, and provide a reserve funding schedule with a
3775 recommended annual reserve amount that achieves the estimated
3776 replacement cost or planned ~~deferred~~ maintenance expense of each
3777 item of cooperative property being visually inspected by the end
3778 of the estimated remaining useful life of the item. The
3779 structural integrity reserve study may recommend that reserves
3780 do not need to be maintained for any item for which an estimate
3781 of useful life and an estimate of replacement cost cannot be
3782 determined, or the study may recommend a planned ~~deferred~~
3783 maintenance expense amount for such item. The structural
3784 integrity reserve study may recommend that reserves for
3785 replacement costs do not need to be maintained for any item with
3786 an estimated remaining useful life of greater than 25 years, but
3787 the study may recommend a planned ~~deferred~~ maintenance expense
3788 amount for such item.

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3789 4. This paragraph does not apply to buildings less than
3790 three stories in height; single-family, two-family, or three-
3791 family dwellings with three or fewer habitable stories above
3792 ground; any portion or component of a building that has not been
3793 submitted to the cooperative form of ownership; or any portion
3794 or component of a building that is maintained by a party other
3795 than the association.

3796 5. Before a developer turns over control of an association
3797 to unit owners other than the developer, the developer must have
3798 a turnover inspection report in compliance with s. 719.301(4)(p)
3799 and (q) for each building on the cooperative property that is
3800 three stories or higher in height.

3801 6. Associations existing on or before July 1, 2022, which
3802 are controlled by unit owners other than the developer, must
3803 have a structural integrity reserve study completed by December
3804 31, 2024, for each building on the cooperative property that is
3805 three stories or higher in height. An association that is
3806 required to complete a milestone inspection on or before
3807 December 31, 2026, in accordance with s. 553.899 may complete
3808 the structural integrity reserve study simultaneously with the
3809 milestone inspection. In no event may the structural integrity
3810 reserve study be completed after December 31, 2026.

3811 7. If the milestone inspection required by s. 553.899, or
3812 an inspection completed for a similar local requirement, was
3813 performed within the past 5 years and meets the requirements of
3814 this paragraph, such inspection may be used in place of the
3815 visual inspection portion of the structural integrity reserve
3816 study.

3817 8. If the officers or directors of an association willfully

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3818 and knowingly fail to complete a structural integrity reserve
3819 study pursuant to this paragraph, such failure is a breach of an
3820 officer's and director's fiduciary relationship to the unit
3821 owners under s. 719.104(9).

3822 9. Within 45 days after receiving the structural integrity
3823 reserve study, the association shall distribute a copy of the
3824 study to each unit owner or deliver to each unit owner a notice
3825 that the completed study is available for inspection and copying
3826 upon a written request. Distribution of a copy of the study or
3827 notice must be made by United States mail or personal delivery
3828 at the mailing address, property address, or any other address
3829 of the owner provided to fulfill the association's notice
3830 requirements under this chapter, or by electronic transmission
3831 to the e-mail address or facsimile number provided to fulfill
3832 the association's notice requirements to unit owners who
3833 previously consented to receive notice by electronic
3834 transmission.

3835 Section 29. Section 719.129, Florida Statutes, is amended
3836 to read:

3837 719.129 Electronic voting.—The association may conduct
3838 elections and other unit owner votes through an Internet-based
3839 online voting system if a unit owner consents, electronically or
3840 in writing, to online voting and if the following requirements
3841 are met:

3842 (1) The association provides each unit owner with:

3843 (a) A method to authenticate the unit owner's identity to
3844 the online voting system.

3845 (b) For elections of the board, a method to transmit an
3846 electronic ballot to the online voting system that ensures the

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3847 secrecy and integrity of each ballot.

3848 (c) A method to confirm, at least 14 days before the voting
3849 deadline, that the unit owner's electronic device can
3850 successfully communicate with the online voting system.

3851 (2) The association uses an online voting system that is:

3852 (a) Able to authenticate the unit owner's identity.

3853 (b) Able to authenticate the validity of each electronic
3854 vote to ensure that the vote is not altered in transit.

3855 (c) Able to transmit a receipt from the online voting
3856 system to each unit owner who casts an electronic vote.

3857 (d) For elections of the board of administration, able to
3858 permanently separate any authentication or identifying
3859 information from the electronic election ballot, rendering it
3860 impossible to tie an election ballot to a specific unit owner.

3861 (e) Able to store and keep electronic votes accessible to
3862 election officials for recount, inspection, and review purposes.

3863 (3) A unit owner voting electronically pursuant to this
3864 section shall be counted as being in attendance at the meeting
3865 for purposes of determining a quorum. A substantive vote of the
3866 unit owners may not be taken on any issue other than the issues
3867 specifically identified in the electronic vote, when a quorum is
3868 established based on unit owners voting electronically pursuant
3869 to this section.

3870 (4) This section applies to an association that provides
3871 for and authorizes an online voting system pursuant to this
3872 section by a board resolution. The board resolution must provide
3873 that unit owners receive notice of the opportunity to vote
3874 through an online voting system, must establish reasonable
3875 procedures and deadlines for unit owners to consent,

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3876 electronically or in writing, to online voting, and must
3877 establish reasonable procedures and deadlines for unit owners to
3878 opt out of online voting after giving consent. Written notice of
3879 a meeting at which the resolution will be considered must be
3880 mailed, delivered, or electronically transmitted to the unit
3881 owners and posted conspicuously on the condominium property or
3882 association property at least 14 days before the meeting.
3883 Evidence of compliance with the 14-day notice requirement must
3884 be made by an affidavit executed by the person providing the
3885 notice and filed with the official records of the association.

3886 (5) A unit owner's consent to online voting is valid until
3887 the unit owner opts out of online voting pursuant to the
3888 procedures established by the board of administration pursuant
3889 to subsection (4).

3890 (6) This section may apply to any matter that requires a
3891 vote of the unit owners who are not members of a timeshare
3892 cooperative association.

3893 Section 30. Paragraph (p) of subsection (4) of section
3894 719.301, Florida Statutes, is amended to read:

3895 719.301 Transfer of association control.—

3896 (4) When unit owners other than the developer elect a
3897 majority of the members of the board of administration of an
3898 association, the developer shall relinquish control of the
3899 association, and the unit owners shall accept control.
3900 Simultaneously, or for the purpose of paragraph (c) not more
3901 than 90 days thereafter, the developer shall deliver to the
3902 association, at the developer's expense, all property of the
3903 unit owners and of the association held or controlled by the
3904 developer, including, but not limited to, the following items,

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3905 if applicable, as to each cooperative operated by the
3906 association:

3907 (p) Notwithstanding when the certificate of occupancy was
3908 issued or the height of the building, a turnover inspection
3909 report included in the official records, under seal of an
3910 architect or engineer authorized to practice in this state or a
3911 person certified as a reserve specialist or professional reserve
3912 analyst by the Community Associations Institute or the
3913 Association of Professional Reserve Analysts, consisting of a
3914 structural integrity reserve study attesting to required
3915 maintenance, condition, useful life, and replacement costs of
3916 the following applicable cooperative property:

- 3917 1. Roof.
- 3918 2. Structure, including load-bearing walls and primary
3919 structural members and primary structural systems as those terms
3920 are defined in s. 627.706.
- 3921 3. Fireproofing and fire protection systems.
- 3922 4. Plumbing.
- 3923 5. Electrical systems.
- 3924 6. Waterproofing and exterior painting.
- 3925 7. Windows and exterior doors.

3926 Section 31. Subsection (1) of section 719.618, Florida
3927 Statutes, is amended to read:

3928 719.618 Converter reserve accounts; warranties.—

3929 (1) When existing improvements are converted to ownership
3930 as a residential cooperative, the developer shall establish
3931 planned ~~reserve~~ accounts for capital expenditures and deferred
3932 maintenance, or give warranties as provided by subsection (6),
3933 or post a surety bond as provided by subsection (7). The

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3934 developer shall fund the reserve accounts in amounts calculated
3935 as follows:

3936 (a)1. When the existing improvements include an air-
3937 conditioning system serving more than one unit or property which
3938 the association is responsible to repair, maintain, or replace,
3939 the developer shall fund an air-conditioning reserve account.
3940 The amount of the reserve account shall be the product of the
3941 estimated current replacement cost of the system, as disclosed
3942 and substantiated pursuant to s. 719.616(3)(b), multiplied by a
3943 fraction, the numerator of which shall be the lesser of the age
3944 of the system in years or 9, and the denominator of which shall
3945 be 10. When such air-conditioning system is within 1,000 yards
3946 of the seacoast, the numerator shall be the lesser of the age of
3947 the system in years or 3, and the denominator shall be 4.

3948 2. The developer shall fund a plumbing reserve account. The
3949 amount of the funding shall be the product of the estimated
3950 current replacement cost of the plumbing component, as disclosed
3951 and substantiated pursuant to s. 719.616(3)(b), multiplied by a
3952 fraction, the numerator of which shall be the lesser of the age
3953 of the plumbing in years or 36, and the denominator of which
3954 shall be 40.

3955 3. The developer shall fund a roof reserve account. The
3956 amount of the funding shall be the product of the estimated
3957 current replacement cost of the roofing component, as disclosed
3958 and substantiated pursuant to s. 719.616(3)(b), multiplied by a
3959 fraction, the numerator of which shall be the lesser of the age
3960 of the roof in years or the numerator listed in the following
3961 table. The denominator of the fraction shall be determined based
3962 on the roof type, as follows:

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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

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

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

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3981 existing component or structure was completed.

3982 (c) When the age of a component or structure is to be
3983 measured from the date of replacement or renewal, the developer
3984 shall provide the division with a certificate, under the seal of
3985 an architect or engineer authorized to practice in this state,
3986 verifying:

3987 1. The date of the replacement or renewal; and

3988 2. That the replacement or renewal at least met the
3989 requirements of the then-applicable building code.

3990 Section 32. The Division of Florida Condominiums,
3991 Timeshares, and Mobile Homes of the Department of Business and
3992 Professional Regulation shall complete a review of the website
3993 or application requirements for official records under s.
3994 718.111(12)(g), Florida Statutes, and make recommendations
3995 regarding any additional official records of a condominium
3996 association which should be included in the records maintenance
3997 requirement in the statute. The division shall submit the
3998 findings of its review to the Governor, the President of the
3999 Senate, the Speaker of the House of Representatives, and the
4000 chairs of the legislative appropriations committees and
4001 appropriate substantive committees with jurisdiction over
4002 chapter 718, Florida Statutes, by January 1, 2025.

4003 Section 33. The Division of Florida Condominiums,
4004 Timeshares, and Mobile Homes of the Department of Business and
4005 Professional Regulation shall create a database on its website
4006 of the associations that have reported the completion of their
4007 structural integrity reserve study under section 718.112(2)(g),
4008 and under section 719.106(1)(k), by January 1, 2025.

4009 Section 34. For the 2024-2025 fiscal year, the sums of

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4010 \$6,122,390 in recurring and \$1,293,879 in nonrecurring funds
4011 from the General Revenue Fund are appropriated to the Department
4012 of Business and Professional Regulation, and 65 full-time
4013 equivalent positions with associated salary rate of 3,180,319
4014 are authorized, for the purpose of implementing this act.

4015 Section 35. The amendments made to ss. 718.103(14) and
4016 718.202(3), Florida Statutes, and the provisions of s.
4017 718.407(1), (2), and (6), Florida Statutes, are intended to
4018 clarify existing law and shall apply retroactively; however,
4019 such amendments do not revive or reinstate any right or interest
4020 that has been fully and finally adjudicated as invalid before
4021 October 1, 2024.

4022 Section 36. The Florida Building Commission shall perform a
4023 study on standards to prevent water intrusion through the tracks
4024 of sliding glass doors, including the consideration of devises
4025 designed to further prevent such water intrusion. The commission
4026 must provide a written report of any recommendations to the
4027 Governor, the President of the Senate, the Speaker of the House
4028 of Representatives, and the chairs of the legislative
4029 appropriations committees and appropriate substantive committees
4030 with jurisdiction over chapter 718, Florida Statutes, by
4031 December 1, 2024.

4032 Section 37. Except as otherwise expressly provided in this
4033 act, this act shall take effect July 1, 2024.