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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/22/2025	.	
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	.	

The Committee on Rules (Bradley) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraph (h) is added to subsection (2) of
section 468.432, Florida Statutes, and subsection (3) is added
to that section, to read:

468.432 Licensure of community association managers and
community association management firms; exceptions.—

(2) A community association management firm or other
similar organization responsible for the management of more than



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12 10 units or a budget of \$100,000 or greater shall not engage or
13 hold itself out to the public as being able to engage in the
14 business of community association management in this state
15 unless it is licensed by the department as a community
16 association management firm in accordance with the provisions of
17 this part.

18 (h) A person who has had his or her community association
19 manager license revoked may not have an indirect or direct
20 ownership interest in, or be an employee, a partner, an officer,
21 a director, or a trustee of, a community association management
22 firm during the 10-year period after the effective date of the
23 revocation. Such person is ineligible to reapply for
24 certification or registration under this part for a period of 10
25 years after the effective date of a revocation.

26 (3) A licensee must create and maintain an online licensure
27 account with the department. Each community association manager
28 must identify on his or her online licensure account the
29 community association management firm for which he or she
30 provides management services and identify each community
31 association for which he or she is the designated on-site
32 community association manager. A licensee must update his or her
33 online licensure account with this information within 30 days
34 after any change to the required information. A community
35 association management firm must identify on its online
36 licensure account the community association managers that it
37 employs to provide community association management services. If
38 a community association manager has his or her license suspended
39 or revoked, the department must give written notice of such
40 suspension or revocation to the community association management



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41 firm and the community association for which the manager
42 performs community management services.

43 Section 2. Subsections (1) and (3) of section 468.4334,
44 Florida Statutes, are amended to read:

45 468.4334 Professional practice standards; liability;
46 community association manager requirements; return of records
47 after termination of contract.—

48 (1)(a) A community association manager or a community
49 association management firm is deemed to act as agent on behalf
50 of a community association as principal within the scope of
51 authority authorized by a written contract or under this
52 chapter. A community association manager or a community
53 association management firm may not knowingly perform any act
54 directed by the community association if such an act violates
55 any state or federal law. A community association manager and a
56 community association management firm shall discharge duties
57 performed on behalf of the association as authorized by this
58 chapter loyally, skillfully, and diligently; dealing honestly
59 and fairly; in good faith; with care and full disclosure to the
60 community association; accounting for all funds; and not
61 charging unreasonable or excessive fees.

62 (b) If a community association manager or a community
63 association management firm has a contract with a community
64 association that is subject to the milestone inspection
65 requirements in s. 553.899, or the structural integrity reserve
66 study requirements in s. 718.112(2)(g) and 719.106(1)(k), the
67 community association manager or the community association
68 management firm must comply with those sections ~~that section~~ as
69 directed by the board.



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(c) Each contract between a community association and a community association manager or community association management firm for community association management services must include the following written statement in at least 12-point type, if applicable to the type of management services provided in the contract:

The community association manager shall abide by all professional standards and record keeping requirements imposed pursuant to part VIII of chapter 468, Florida Statutes.

(d) A contract between a community association manager or community association management firm and a community association may not waive or limit the professional practice standards required pursuant to this part.

(3) A community association manager or community association management firm that is authorized by contract to provide community association management services to a community homeowners' association shall do all of the following:

(a) Attend in person at least one member meeting or board meeting of the community homeowners' association annually.

(b) Provide to the members of the community homeowners' association the name and contact information for each community association manager or representative of a community association management firm assigned to the community homeowners' association, the manager's or representative's hours of availability, and a summary of the duties for which the manager or representative is responsible. The community homeowners'



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association shall also post this information on the association's website or mobile application, if the association is required to maintain official records on a website or application ~~required under s. 720.303(4)(b)~~. The community association manager or community association management firm shall update the community homeowners' association and its members within 14 business days after any change to such information.

(c) Provide to any member upon request a copy of the contract between the community association manager or community association management firm and the community homeowners' association and include such contract with association's official records.

Section 3. Section 468.4335, Florida Statutes, is amended to read:

468.4335 Conflicts of interest.—

(1) A community association manager or a community association management firm, including directors, officers, and persons with a financial interest in a community association management firm, or a relative of such persons, must disclose to the board of a community association any activity that may reasonably be construed to be a conflict of interest. A rebuttable presumption of a conflict of interest exists if any of the following occurs without prior notice:

(a) A community association manager or a community association management firm, including directors, officers, and persons with a financial interest in a community association management firm, or a relative of such persons, proposes to enter into a contract or other transaction with the association,



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128 or enters into a contract for goods or services with the
129 association, for services other than community association
130 management services.

131 (b) A community association manager or a community
132 association management firm, including directors, officers, and
133 persons with a financial interest in a community association
134 management firm, or a relative of such persons, holds an
135 interest in or receives compensation ~~or any thing of value~~ from
136 a person as defined in s. 1.01(3) which ~~corporation, limited~~
137 ~~liability corporation, partnership, limited liability~~
138 ~~partnership, or other business entity that~~ conducts business
139 with the association or proposes to enter into a contract or
140 other transaction with the association. As used in this
141 paragraph, the term "compensation" means any referral fee or
142 other monetary benefit derived from a person as defined in s.
143 1.01(3) which provides products or services to the association,
144 and any ownership interests or profit-sharing arrangements with
145 product or service providers recommended to or used by the
146 association.

147 (2) If the association receives and considers a bid that
148 exceeds \$2,500 to provide a good or service, ~~other than~~
149 community association management services which is or may
150 reasonably be construed to be a conflict of interest under
151 subsection (1), ~~from a community association manager or a~~
152 ~~community association management firm, including directors,~~
153 ~~officers, and persons with a financial interest in a community~~
154 ~~association management firm, or a relative of such persons,~~ the
155 association must solicit multiple bids from other third-party
156 providers of such goods or services. This subsection does not



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157 apply to any activities or the provision of goods or services
158 that are disclosed in the management services contract as a
159 conflict of interest within the meaning of subsection (1).

160 (3) If a community association manager or a community
161 association management firm, including directors, officers, and
162 persons with a financial interest in a community association
163 management firm, or a relative of such persons, proposes to
164 engage in an activity that is a conflict of interest as
165 described in subsection (1), the proposed activity must be
166 ~~listed on, and all contracts and transactional documents related~~
167 ~~to the proposed activity must be attached to,~~ the meeting agenda
168 of the next board of administration meeting. The notice for the
169 meeting at which the proposed activity will be considered by the
170 board must include a description of the proposed activity,
171 disclose the possible conflict of interest, and include a copy
172 of all contracts and transactional documents related to the
173 proposed activity. The disclosures of a possible conflict of
174 interest must be entered into the written minutes of the
175 meeting. Approval of the contract, including a management
176 contract between the community association and the community
177 association manager or community association management firm, or
178 other transaction requires an affirmative vote of two-thirds of
179 all directors present. ~~At the next regular or special meeting of~~
180 ~~the members, the existence of the conflict of interest and the~~
181 ~~contract or other transaction must be disclosed to the members.~~
182 If a community association manager or community association
183 management firm has previously disclosed a conflict of interest
184 in an existing management contract entered into between the
185 board of directors and the community association manager or



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community association management firm, the conflict of interest does not need to be additionally noticed and voted on during the term of such management contract, but, upon renewal, must be noticed and voted on in accordance with this subsection.

(4) If the board finds that a community association manager or a community association management firm, including directors, officers, and persons with a financial interest in a community association management firm, or a relative of such persons, has violated this section, the contract is voidable and the association may terminate ~~cancel~~ its community association management contract with the community association manager or the community association management firm by delivery of a written notice terminating the contract. If the contract is terminated ~~canceled~~, the association is liable only for the reasonable value of the management services provided up to the time of cancellation and is not liable for any termination fees, liquidated damages, or other form of penalty for such cancellation.

~~(5) If an association enters into a contract with a community association manager or a community association management firm, including directors, officers, and persons with a financial interest in a community association management firm, or a relative of such persons, which is a party to or has an interest in an activity that is a possible conflict of interest as described in subsection (1) and such activity has not been properly disclosed as a conflict of interest or potential conflict of interest as required by this section, the contract is voidable and terminates upon the association filing a written notice terminating the contract with its board of directors~~



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~~which contains the consent of at least 20 percent of the voting
interests of the association.~~

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

Section 4. Subsection (11) and present subsections (12) and
(13) of section 553.899, Florida Statutes, are amended,
paragraphs (e) and (f) are added to subsection (3), and a new
subsection (12) is added to that section, to read:

553.899 Mandatory structural inspections for condominium
and cooperative buildings.—

(3)

(e) On or before October 1, 2025, and on or before each
December 31 thereafter, the local enforcement agency responsible
for milestone inspections must provide the department, in an
electronic format determined by the department, information that
may include, but is not limited to:

1. The number of buildings required to have a milestone
inspection within the agency's jurisdiction.

2. The number of buildings for which a phase one milestone
inspection has been completed.

3. The number of buildings granted an extension under
paragraph (3)(c).

4. The number of buildings required to have a phase two
milestone inspection.

5. The number of buildings for which a phase two milestone
inspection has been completed.

6. The number, type, and value of permits applied for to
complete repairs pursuant to a phase two milestone inspection.



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244 7. A list of buildings deemed to be unsafe or uninhabitable
245 due to a milestone inspection.

246 8. The license number of the building code administrator
247 responsible for milestone inspections for the local enforcement
248 agency.

249 (f) Subject to appropriation, the department shall contract
250 with the University of Florida for the purpose of creating a
251 report that provides comprehensive data, evaluation, and
252 analysis on the milestone inspections performed throughout this
253 state during each calendar year or other time period approved by
254 the department. Every local enforcement agency responsible for
255 milestone inspections must provide the university with a copy of
256 any phase one or phase two milestone inspection report by the
257 date specified by the department in a manner prescribed by the
258 university. The university may request any additional
259 information from a local enforcement agency which the university
260 requires to complete this report. The university shall compile
261 the report, and the department shall transmit the report to the
262 Governor, the President of the Senate, and the Speaker of the
263 House of Representatives.

264 (11) A board of county commissioners or municipal governing
265 body shall ~~may~~ adopt an ordinance requiring that a condominium
266 or cooperative association and any other owner that is subject
267 to this section schedule or commence repairs for substantial
268 structural deterioration within a specified timeframe after the
269 local enforcement agency receives a phase two inspection report;
270 however, such repairs must be commenced within 365 days after
271 receiving such report. If an owner of the building fails to
272 submit proof to the local enforcement agency that repairs have



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been scheduled or have commenced for substantial structural deterioration identified in a phase two inspection report within the required timeframe, the local enforcement agency must review and determine if the building is unsafe for human occupancy.

(12) A licensed architect or engineer who bids to perform a milestone inspection must disclose in writing to the association his or her intent to bid on any services related to any maintenance, repair, or replacement which may be recommended by the milestone inspection. Any design professional as defined in s. 558.002(7) or contractor licensed under chapter 489 who submits a bid to the association for performing any services recommended by the milestone inspection may not have an interest, directly or indirectly, in the firm or entity providing the milestone inspection or be a relative of any person having a direct or indirect interest in such firm, unless such relationship is disclosed to the association in writing. As used in this section, the term "relative" means a relative within the third degree of consanguinity by blood or marriage. A contract for services is voidable and terminates upon the association filing a written notice terminating the contract if the design professional or licensed contractor failed to provide the written disclosure of the relationship required under this subsection. A design professional or licensed contractor may be subject to discipline under the applicable practice act for his or her profession for failure to provide the written disclosure of the relationship required under this subsection.

(13)~~(12)~~ By December 31, 2024, the Florida Building Commission shall adopt rules pursuant to ss. 120.536(1) and 120.54 to establish a building safety program for the



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implementation of this section within the Florida Building Code:
Existing Building. The building inspection program must, at
minimum, include inspection criteria, testing protocols,
standardized inspection and reporting forms that are adaptable
to an electronic format, and record maintenance requirements for
the local authority.

(14)~~(13)~~ The Florida Building Commission shall consult with
the State Fire Marshal to provide recommendations to the
Legislature for the adoption of comprehensive structural and
life safety standards for maintaining and inspecting all types
of buildings and structures in this state that are three stories
or more in height. The commission shall provide a written report
of its recommendations to the Governor, the President of the
Senate, and the Speaker of the House of Representatives by
December 31, 2023.

Section 5. Present subsections (33) and (34) of section
718.103, Florida Statutes, are redesignated as subsections (34)
and (35), respectively, a new subsection (33) is added to that
section, and subsection (1) of that section is amended, to read:

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

(1) "Alternative funding method" means a method ~~approved by~~
~~the division~~ for funding the capital expenditures and deferred
maintenance obligations of the association ~~for a~~
~~multicondominium association operating at least 25 condominiums~~
~~which may reasonably be expected to fully satisfy the~~
~~association's reserve funding obligations by the,~~ including:

(a) The allocation of funds in the annual operating budget
of a multicondominium; or

(b) Any other method defined by rule of the division which



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may reasonably be expected to fully satisfy the association's reserve funding obligations or fund its capital expenditure and deferred maintenance obligations.

(33) "Video conference" means a real-time audio and video-based meeting between two or more people in different locations using video-enabled and audio-enabled devices. The notice for any meeting that will be conducted by video conference must have a hyperlink and call-in conference telephone number for unit owners to attend the meeting and must have a physical location where unit owners can also attend the meeting in person. All meetings conducted by video conference must be recorded and such recording must be maintained as an official record of the association.

Section 6. Paragraphs (a), (c), and (g) of subsection (12), paragraph (a) of subsection (11), and subsection (13) of section 718.111, Florida Statutes, are amended, paragraphs (g), (h), and (i) are added to subsection (3) of that section, and subsection (16) is added to that section, to read:

718.111 The association.—

(3) POWER TO MANAGE CONDOMINIUM PROPERTY AND TO CONTRACT, SUE, AND BE SUED; CONFLICT OF INTEREST.—

(g) If an association contracts with a community association manager or a community association management firm, the community association manager or community association management firm must possess all applicable licenses required by part VIII of chapter 468. All board members or officers of an association that contracts with a community association manager or a community association management firm have a duty to ensure that the community association manager or community association



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management firm is properly licensed before entering into a contract.

(h) If a contract is between a community association manager and the association, and the community association manager has his or her license suspended or revoked during the term of a contract with the association, the association may terminate the contract upon delivery of a written notice to the community association manager whose license has been revoked or suspended, effective on the date the community association manager became unlicensed.

(i) If a community association management firm has its license suspended or revoked during the term of a contract with the association, the association may terminate the contract upon delivery of a written notice to the community association management firm whose license has been revoked or suspended, effective on the date the community association management firm became unlicensed.

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

(a) Every condominium association shall have adequate property insurance as determined under this paragraph, regardless of any requirement in the declaration of condominium for certain coverage by the association ~~for full insurable~~



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~~value, replacement cost, or similar coverage, must be based on the replacement cost of the property to be insured as determined by an independent insurance appraisal or update of a prior appraisal. The replacement cost must be determined at least once every 36 months.~~

1. An association or group of associations may provide adequate property insurance as determined under this paragraph through a self-insurance fund that complies with the requirements of ss. 624.460-624.488.

2. The amount of adequate insurance coverage for full insurable value, replacement cost, or similar coverage may be based on the replacement cost of the property to be insured, as determined by an independent insurance appraisal or an update of a previous appraisal. The replacement cost must be determined at least once every 3 years, at minimum.

3. The association's obligation to obtain and ~~association~~ ~~may also~~ provide adequate property insurance coverage for a group of at least three communities created and operating under this chapter, chapter 719, chapter 720, or chapter 721 may be satisfied by obtaining and maintaining for such communities insurance coverage sufficient to cover an amount equal to the probable maximum loss for the communities for a 250-year windstorm event.

a. Such probable maximum loss must be determined through the use of a competent model that has been accepted by the Florida Commission on Hurricane Loss Projection Methodology.

b. A policy or program providing such coverage may not be issued or renewed after July 1, 2008, unless it has been reviewed and approved by the Office of Insurance Regulation. The



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review and approval must include approval of the policy and related forms pursuant to ss. 627.410 and 627.411, approval of the rates pursuant to s. 627.062, a determination that the loss model approved by the commission was accurately and appropriately applied to the insured structures to determine the 250-year probable maximum loss, and a determination that complete and accurate disclosure of all material provisions is provided to condominium unit owners before execution of the agreement by a condominium association.

~~4.3.~~ When determining the adequate amount of property insurance coverage, the association may consider deductibles as determined by this subsection.

(12) OFFICIAL RECORDS.—

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

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

2. A copy ~~photocopy~~ of the recorded declaration of condominium of each condominium operated by the association and each amendment to each declaration.

3. A copy ~~photocopy~~ of the recorded bylaws of the association and each amendment to the bylaws.

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

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

6. A book or books or electronic records that contain the minutes of all meetings of the association, the board of



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administration, any committee, and the unit owners, and a
recording of all such meetings that are conducted by video
conference. If there are approved minutes for a meeting held by
video conference, recordings of meetings that are conducted by
video conference must be maintained for at least 1 year after
the date the video recording is posted as required under
paragraph (g).

7. A current roster of all unit owners and their mailing
addresses, unit identifications, voting certifications, and, if
known, telephone numbers. The association shall also maintain
the e-mail addresses and facsimile numbers of unit owners
consenting to receive notice by electronic transmission. In
accordance with sub-subparagraph (c)5.e., the e-mail addresses
and facsimile numbers are only accessible to unit owners if
consent to receive notice by electronic transmission is
provided, or if the unit owner has expressly indicated that such
personal information can be shared with other unit owners and
the unit owner has not provided the association with a request
to opt out of such dissemination with other unit owners. An
association must ensure that the e-mail addresses and facsimile
numbers are only used for the business operation of the
association and may not be sold or shared with outside third
parties. If such personal information is included in documents
that are released to third parties, other than unit owners, the
association must redact such personal information before the
document is disseminated. However, the association is not liable
for an inadvertent disclosure of the e-mail address or facsimile
number for receiving electronic transmission of notices unless
such disclosure was made with a knowing or intentional disregard



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of the protected nature of such information.

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

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

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

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

a. Accurate, itemized, and detailed records of all receipts and expenditures, including all bank statements and ledgers.

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

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

d. All audits, reviews, accounting statements, structural integrity reserve studies, and financial reports of the



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association or condominium. Structural integrity reserve studies must be maintained for at least 15 years after the study is completed.

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

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

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

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

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

16. Bids for materials, equipment, or services.

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

18. A copy of all building permits.

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

20. A copy of all affidavits required by this chapter.

21. A copy of all investment policy statements adopted



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pursuant to paragraph (16)(c), and all financial statements
related to the association's investment of funds under
subsection (16).

~~22.20.~~ All other written records of the association not
specifically included in the foregoing which are related to the
operation of the association.

(c)1.a. The official records of the association are open to
inspection by any association member and any person authorized
by an association member as a representative of such member at
all reasonable times. The right to inspect the records includes
the right to make or obtain copies, at the reasonable expense,
if any, of the member and of the person authorized by the
association member as a representative of such member. A renter
of a unit has a right to inspect and copy only the declaration
of condominium, the association's bylaws and rules, and the
inspection reports described in ss. 553.899 and 718.301(4)(p).
The association may adopt reasonable rules regarding the
frequency, time, location, notice, and manner of record
inspections and copying but may not require a member to
demonstrate any purpose or state any reason for the inspection.
The failure of an association to provide the records within 10
working days after receipt of a written request creates a
rebuttable presumption that the association willfully failed to
comply with this paragraph. A unit owner who is denied access to
official records is entitled to the actual damages or minimum
damages for the association's willful failure to comply. Minimum
damages are \$50 per calendar day for up to 10 days, beginning on
the 11th working day after receipt of the written request. The
failure to permit inspection entitles any person prevailing in



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an enforcement action to recover reasonable attorney fees from the person in control of the records who, directly or indirectly, knowingly denied access to the records. If the requested records are posted on an association's website, or are available for download through an application on a mobile device, the association may fulfill its obligations under this paragraph by directing to the website or the application all persons authorized to request access.

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

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

3. Any person who willfully and knowingly or intentionally defaces or destroys accounting records that are required by this chapter to be maintained during the period for which such



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records are required to be maintained, or who willfully and
knowingly or intentionally fails to create or maintain
accounting records that are required to be created or
maintained, with the intent of causing harm to the association
or one or more of its members, commits a misdemeanor of the
first degree, punishable as provided in s. 775.082 or s.
775.083; is personally subject to a civil penalty pursuant to s.
718.501(1)(d); and must be removed from office and a vacancy
declared.

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

5. The association shall maintain an adequate number of
copies of the declaration, articles of incorporation, bylaws,
and rules, and all amendments to each of the foregoing, as well
as the question and answer sheet as described in s. 718.504 and
the most recent annual financial statement and annual budget
~~year-end financial information~~ required under this section, on
the condominium property to ensure their availability to unit
owners and prospective purchasers, and may charge its actual
costs for preparing and furnishing these documents to those
requesting the documents. An association shall allow a member or
his or her authorized representative to use a portable device,
including a smartphone, tablet, portable scanner, or any other



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technology capable of scanning or taking photographs, to make an electronic copy of the official records in lieu of the association's providing the member or his or her authorized representative with a copy of such records. The association may not charge a member or his or her authorized representative for the use of a portable device. Notwithstanding this paragraph, the following records are not accessible to unit owners:

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

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

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

d. Medical records of unit owners.

e. Social security numbers, driver license numbers, credit



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card numbers, e-mail addresses, telephone numbers, facsimile numbers, emergency contact information, addresses of a unit owner other than as provided to fulfill the association's notice requirements, and other personal identifying information of any person, excluding the person's name, unit designation, mailing address, property address, and any address, e-mail address, or facsimile number provided to the association to fulfill the association's notice requirements. Notwithstanding the restrictions in this sub-subparagraph, an association may print and distribute to unit owners a directory containing the name, unit address, and all telephone numbers of each unit owner. However, an owner may exclude his or her telephone numbers from the directory by so requesting in writing to the association. An owner may consent in writing to the disclosure of other contact information described in this sub-subparagraph. The association is not liable for the inadvertent disclosure of information that is protected under this sub-subparagraph if the information is included in an official record of the association and is voluntarily provided by an owner and not requested by the association.

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

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

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

(g)1. By January 1, 2019, an association managing a



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condominium with 150 or more units which does not contain timeshare units shall post digital copies of the documents specified in subparagraph 2. on its website or make such documents available through an application that can be downloaded on a mobile device. Unless a shorter period is otherwise required, a document must be made available on the association's website or made available for download through an application on a mobile device within 30 days after the association receives or creates an official record specified in subparagraph 2.

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

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

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

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

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



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that must be electronically provided.

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

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

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

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

d. The rules of the association.

e. The approved minutes of all board of administration meetings over the preceding 12 months.

f. The video recording or a hyperlink to the video recording for all meetings of the association, the board of administration, any committee, and the unit owners which are conducted by video conference over the preceding 12 months.

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



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

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

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

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

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

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

~~n.l.~~ Notice of any board meeting, the agenda, and any other document required for the meeting as required by s. 718.112(2)(c), which must be posted no later than the date



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required for notice under s. 718.112(2)(c).

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

~~p.n.~~ The association's most recent structural integrity reserve study, if applicable.

~~q.e.~~ Copies of all building permits issued for ongoing or planned construction.

r. A copy of all affidavits required by this chapter.

s. A copy of all investment policy statements adopted pursuant to paragraph (16)(c), and all financial statements related to the association's investment of funds under subsection (16).

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

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



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association's board or its committees.

(13) FINANCIAL REPORTING.—Within 90 days after the end of the fiscal year, or annually on a date provided in the bylaws, the association shall prepare and complete, or contract for the preparation and completion of, a financial report for the preceding fiscal year. Within 21 days after the final financial report is completed by the association or received from the third party, but not later than 180 ~~120~~ days after the end of the fiscal year or other date as provided in the bylaws, the association shall deliver to each unit owner by United States mail or personal delivery at the mailing address, property address, e-mail address, or facsimile number provided to fulfill the association's notice requirements, a copy of the most recent financial report, or and a notice that a copy of the most recent financial report will be, as requested by the owner, mailed, or hand delivered, or electronically delivered via the Internet to the unit owner, without charge, within 5 business days after receipt of a written request from the unit owner. Evidence of compliance with this delivery requirement must be made by an affidavit executed by an officer or director of the association. The division shall adopt rules setting forth uniform accounting principles and standards to be used by all associations and addressing the financial reporting requirements for multicondominium associations. The rules must include, but not be limited to, standards for presenting a summary of association reserves, including a good faith estimate disclosing the annual amount of reserve funds that would be necessary for the association to fully fund reserves for each reserve item based on the straight-line accounting method. This disclosure is not



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applicable to reserves funded via the pooling method. In adopting such rules, the division shall consider the number of members and annual revenues of an association. Financial reports shall be prepared as follows:

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

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

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

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

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

2. A report of cash receipts and disbursements must disclose the amount of receipts by accounts and receipt classifications and the amount of expenses by accounts and expense classifications, including, but not limited to, the following, as applicable: costs for security, professional and management fees and expenses, taxes, costs for recreation facilities, expenses for refuse collection and utility services, expenses for lawn care, costs for building maintenance and repair, insurance costs, administration and salary expenses, and



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reserves accumulated and expended for capital expenditures, deferred maintenance, and any other category for which the association maintains reserves.

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

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

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

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

(d) If approved by a majority vote of all the voting interests ~~present at a properly called meeting~~ of the association, an association may prepare:

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

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

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

Such meeting and approval must occur before the end of the fiscal year and is effective only for the fiscal year in which the vote is taken. An association may not prepare a financial report pursuant to this paragraph for consecutive fiscal years.



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If the developer has not turned over control of the association, all unit owners, including the developer, may vote on issues related to the preparation of the association's financial reports, from the date of incorporation of the association through the end of the second fiscal year after the fiscal year in which the certificate of a surveyor and mapper is recorded pursuant to s. 718.104(4)(e) or an instrument that transfers title to a unit in the condominium which is not accompanied by a recorded assignment of developer rights in favor of the grantee of such unit is recorded, whichever occurs first. Thereafter, all unit owners except the developer may vote on such issues until control is turned over to the association by the developer. Any audit or review prepared under this section shall be paid for by the developer if done before turnover of control of the association.

(e) A unit owner may provide written notice to the division of the association's failure to mail or hand deliver him or her a copy of the most recent financial report within 5 business days after he or she submitted a written request to the association for a copy of such report. If the division determines that the association failed to mail or hand deliver a copy of the most recent financial report to the unit owner, the division shall provide written notice to the association that the association must mail or hand deliver a copy of the most recent financial report to the unit owner and the division within 5 business days after it receives such notice from the division. An association that fails to comply with the division's request may not waive the financial reporting requirement provided in paragraph (d) for the fiscal year in



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which the unit owner's request was made and the following fiscal year. A financial report received by the division pursuant to this paragraph shall be maintained, and the division shall provide a copy of such report to an association member upon his or her request.

(16) INVESTMENT OF ASSOCIATION FUNDS.—

(a) A board shall, in fulfilling its duty to manage operating and reserve funds of its association, use best efforts to make prudent investment decisions that carefully consider risk and return in an effort to maximize returns on invested funds.

(b) An association, including a multicondominium association, may invest reserve funds in one or any combination of certificates of deposit or in depository accounts at a community bank, savings bank, commercial bank, savings and loan association, or credit union. Upon a majority vote of the voting interests, an association may invest reserve funds in investments other than certificates of deposit or depository accounts at a community bank, savings bank, commercial bank, savings and loan association, or credit union, provided the association complies with paragraphs (c)-(g). Notwithstanding any declaration, only funds identified as reserve funds may be invested pursuant to paragraphs (c)-(g). Paragraphs (c)-(g) do not apply to funds invested in one or any combination of certificates of deposit or depository accounts at a community bank, savings bank, commercial bank, savings and loan association, or credit union.

(c) The board shall create an investment committee composed of at least two board members and two-unit unit owners who are



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not board members. The board shall also adopt rules for invested funds, including, but not limited to, rules requiring periodic reviews of any investment manager's performance, the development of an investment policy statement, and that all meetings of the investment committee be recorded and made part of the official records of the association. The investment policy statement developed pursuant to this paragraph must, at a minimum, address risk, liquidity, and benchmark measurements; authorized classes of investments; authorized investment mixes; limitations on authority relating to investment transactions; requirements for projected reserve expenditures within, at minimum, the next 24 months to be held in cash or cash equivalents; projected expenditures relating to a mandatory structural inspection performed pursuant to s. 553.899; and protocols for proxy response.

(d) The investment committee shall recommend investment advisers to the board, and the board shall select one of the recommended investment advisers to provide services to the association. Such investment advisers must be registered or have notice filed under s. 517.12. The selected investment adviser and any representative or association of the investment adviser may not be related by affinity or consanguinity to, or under common ownership with, any board member, community management company, reserve study provider, or co-owner of a unit with a board member or investment committee member. The investment adviser shall comply with the prudent investor rule in s. 518.11. The investment adviser shall act as a fiduciary to the association in compliance with the standards set forth in the Employee Retirement Income Security Act of 1974 at 29 U.S.C. s.



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1104(a)(1)(A)-(C). In case of conflict with other laws authorizing investments, the investment and fiduciary standards set forth in this subsection must prevail. If at any time the investment committee determines that an investment adviser does not meet the requirements of this section, the investment committee must recommend a replacement investment adviser to the board.

(e) At least once each calendar year, or sooner if a substantial financial obligation of the association becomes known to the board, the association must provide the investment adviser with the association's investment policy statement, the most recent reserve study report, the association's structural integrity report, and the financial reports prepared pursuant to subsection (13). If there is no recent reserve study report, the association must provide the investment adviser with a good faith estimate disclosing the annual amount of reserve funds necessary for the association to fund reserves fully for the life of each reserve component and each component's redundancies. The investment adviser shall annually review these documents and provide the association with a portfolio allocation model that is suitably structured and prudently designed to match projected annual reserve fund requirements and liability, assets, and liquidity requirements. The investment adviser shall prepare a funding projection for each reserve component, including any of the component's redundancies. The association must have available at all times a minimum of 24 months of projected reserves in cash or cash equivalents.

(f) Portfolios managed by the investment adviser may contain any type of investment necessary to meet the objectives



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in the investment policy statement; however, portfolios may not contain stocks, securities, or other obligations that the State Board of Administration is prohibited from investing in under s. 215.471, s. 215.4725, or s. 215.473 or that state agencies are prohibited from investing in under s. 215.472, as determined by the investment adviser. Any funds invested by the investment adviser must be held in third-party custodial accounts that are subject to insurance coverage by the Securities Investor Protection Corporation in an amount equal to or greater than the invested amount. The investment adviser may withdraw investment fees, expenses, and commissions from invested funds.

(g) The investment adviser shall:

1. Annually provide the association with a written certification of compliance with this section and a list of stocks, securities, and other obligations that are prohibited from being in association portfolios under paragraph (f); and

2. Submit monthly, quarterly, and annual reports to the association which are prepared in accordance with established financial industry standards and in accordance with chapter 517.

(h) Any principal, earnings, or interest managed under this subsection must be available at no cost or charge to the association within 15 business days after delivery of the association's written or electronic request.

(i) Unallocated income earned on reserve fund investments must be spent only on capital expenditures, planned maintenance, structural repairs, or other items for which the reserve accounts have been established. Any surplus of funds that exceeds the amount required to maintain reasonably funded reserves must be managed pursuant to s. 718.115.



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Section 7. Paragraphs (b) through (g) of subsection (2) of section 718.112, Florida Statutes, are amended to read:

718.112 Bylaws.—

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

(b) Quorum; voting requirements; proxies.—

1. Unless a lower number is provided in the bylaws, the percentage of voting interests required to constitute a quorum at a meeting of the members is a majority of the voting interests. Unless otherwise provided in this chapter or in the declaration, articles of incorporation, or bylaws, and except as provided in subparagraph (d)4., decisions shall be made by a majority of the voting interests represented at a meeting at which a quorum is present.

2. Except as specifically otherwise provided herein, unit owners in a residential condominium may not vote by general proxy, but may vote by limited proxies substantially conforming to a limited proxy form adopted by the division. A voting interest or consent right allocated to a unit owned by the association may not be exercised or considered for any purpose, whether for a quorum, an election, or otherwise. Limited proxies and general proxies may be used to establish a quorum. Limited proxies shall be used for votes taken to waive or reduce reserves in accordance with subparagraph (f)2.; for votes taken to waive the financial reporting requirements of s. 718.111(13); for votes taken to amend the declaration pursuant to s. 718.110; for votes taken to amend the articles of incorporation or bylaws pursuant to this section; and for any other matter for which



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this chapter requires or permits a vote of the unit owners. Except as provided in paragraph (d), a proxy, limited or general, may not be used in the election of board members in a residential condominium. General proxies may be used for other matters for which limited proxies are not required, and may be used in voting for nonsubstantive changes to items for which a limited proxy is required and given. Notwithstanding this subparagraph, unit owners may vote in person at unit owner meetings. This subparagraph does not limit the use of general proxies or require the use of limited proxies for any agenda item or election at any meeting of a timeshare condominium association or a nonresidential condominium association.

3. A proxy given is effective only for the specific meeting for which originally given and any lawfully adjourned meetings thereof. A proxy is not valid longer than 90 days after the date of the first meeting for which it was given. Each proxy is revocable at any time at the pleasure of the unit owner executing it.

4. A member of the board of administration or a committee may submit in writing his or her agreement or disagreement with any action taken at a meeting that the member did not attend. This agreement or disagreement may not be used as a vote for or against the action taken or to create a quorum.

5. A board meeting may be conducted in person or by video conference. A board or committee member's participation in a meeting via telephone, real-time videoconferencing, or similar real-time electronic or video communication counts toward a quorum, and such member may vote as if physically present. A speaker must be used so that the conversation of such members



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may be heard by the board or committee members attending in person as well as by any unit owners present at a meeting. The division shall adopt rules pursuant to ss. 120.536 and 120.54 governing the requirements for meetings.

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

1. Adequate notice of all board meetings, which must specifically identify all agenda items, must be posted conspicuously on the condominium property at least 48 continuous hours before the meeting except in an emergency. If the board meeting is to be conducted via video conference, the notice must



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state that such meeting will be via video conference and must include a hyperlink and a conference telephone number for unit owners to attend the meeting via video conference, as well as the address of the physical location where the unit owners can attend the meeting in person. If the meeting is conducted via video conference, it must be recorded and such recording must be maintained as an official record of the association. If 20 percent of the voting interests petition the board to address an item of business, the board, within 60 days after receipt of the petition, shall place the item on the agenda at its next regular board meeting or at a special meeting called for that purpose. An item not included on the notice may be taken up on an emergency basis by a vote of at least a majority plus one of the board members. Such emergency action must be noticed and ratified at the next regular board meeting. Written notice of a meeting at which a nonemergency special assessment or an amendment to rules regarding unit use will be considered must be mailed, delivered, or electronically transmitted to the unit owners and posted conspicuously on the condominium property at least 14 days before the meeting. Evidence of compliance with this 14-day notice requirement must be made by an affidavit executed by the person providing the notice and filed with the official records of the association.

2. Upon notice to the unit owners, the board shall, by duly adopted rule, designate a specific location on the condominium property at which all notices of board meetings must be posted. ~~If there is no condominium property at which notices can be posted,~~ Notices shall be mailed, delivered, or electronically transmitted to each unit owner who has consented to receive



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electronic notifications at least 14 days before the meeting. In
~~lieu of or in~~ addition to the physical posting of the notice on
the condominium property and mailing, delivering, or
electronically transmitting the notice, the association may, by
reasonable rule, adopt a procedure for conspicuously posting and
repeatedly broadcasting the notice and the agenda on a closed-
circuit cable television system serving the condominium
association. ~~However, if broadcast notice is used in lieu of a~~
~~notice physically posted on condominium property, the notice and~~
~~agenda must be broadcast at least four times every broadcast~~
~~hour of each day that a posted notice is otherwise required~~
~~under this section. If broadcast notice is provided, the notice~~
~~and agenda must be broadcast in a manner and for a sufficient~~
~~continuous length of time so as to allow an average reader to~~
~~observe the notice and read and comprehend the entire content of~~
~~the notice and the agenda.~~ In addition to any of the authorized
means of providing notice of a meeting of the board, the
association may, by rule, adopt a procedure for conspicuously
posting the meeting notice and the agenda on a website serving
the condominium association for at least the minimum period of
time for which a notice of a meeting is also required to be
physically posted on the condominium property. Any rule adopted
shall, in addition to other matters, include a requirement that
the association send an electronic notice in the same manner as
a notice for a meeting of the members, which must include a
hyperlink to the website at which the notice is posted, to unit
owners whose e-mail addresses are included in the association's
official records.

3. Notice of any meeting in which regular or special



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assessments against unit owners are to be considered must specifically state that assessments will be considered and provide the estimated cost and description of the purposes for such assessments. If an agenda item relates to the approval of a contract for goods or services, a copy of the contract must be provided with the notice and be made available for inspection and copying upon a written request from a unit owner or made available on the association's website or through an application that can be downloaded on a mobile device.

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

5. Notwithstanding any other law, the requirement that board meetings and committee meetings be open to the unit owners does not apply to:

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

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

(d) Unit owner meetings.—

1. An annual meeting of the unit owners must be held at the location provided in the association bylaws and, if the bylaws are silent as to the location, the meeting must be held within



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15 miles ~~45 miles~~ of the condominium property or within the same county as the condominium property. However, such distance requirement does not apply to an association governing a timeshare condominium. If a unit owner meeting is conducted via video conference, a unit owner may vote electronically in the manner provided in s. 718.128.

2. Unit owner meetings, including the annual meeting of the unit owners, may be conducted in person or via video conference. If the annual meeting of the unit owners is conducted via video conference, a quorum of the members of the board of administration must be physically present at the physical location where unit owners can attend the meeting. The location must be provided in the association bylaws and, if the bylaws are silent as to the location, the meeting must be held within 15 miles of the condominium property or within the same county as the condominium property. If the unit owner meeting is conducted via video conference, the video conference must be recorded and such recording must be maintained as an official record of the association. The division shall adopt rules pursuant to ss. 120.536 and 120.54 governing the requirements for meetings.

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



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1230 become a candidate. Except in a timeshare or nonresidential
1231 condominium, or if the staggered term of a board member does not
1232 expire until a later annual meeting, or if all members' terms
1233 would otherwise expire but there are no candidates, the terms of
1234 all board members expire at the annual meeting, and such members
1235 may stand for reelection unless prohibited by the bylaws. Board
1236 members may serve terms longer than 1 year if permitted by the
1237 bylaws or articles of incorporation. A board member may not
1238 serve more than 8 consecutive years unless approved by an
1239 affirmative vote of unit owners representing two-thirds of all
1240 votes cast in the election or unless there are not enough
1241 eligible candidates to fill the vacancies on the board at the
1242 time of the vacancy. Only board service that occurs on or after
1243 July 1, 2018, may be used when calculating a board member's term
1244 limit. If the number of board members whose terms expire at the
1245 annual meeting equals or exceeds the number of candidates, the
1246 candidates become members of the board effective upon the
1247 adjournment of the annual meeting. Unless the bylaws provide
1248 otherwise, any remaining vacancies shall be filled by the
1249 affirmative vote of the majority of the directors making up the
1250 newly constituted board even if the directors constitute less
1251 than a quorum or there is only one director. In a residential
1252 condominium association of more than 10 units or in a
1253 residential condominium association that does not include
1254 timeshare units or timeshare interests, co-owners of a unit may
1255 not serve as members of the board of directors at the same time
1256 unless they own more than one unit or unless there are not
1257 enough eligible candidates to fill the vacancies on the board at
1258 the time of the vacancy. A unit owner in a residential



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condominium desiring to be a candidate for board membership must comply with sub-subparagraph 4.a. and must be eligible to be a candidate to serve on the board of directors at the time of the deadline for submitting a notice of intent to run in order to have his or her name listed as a proper candidate on the ballot or to serve on the board. A person who has been suspended or removed by the division under this chapter, or who is delinquent in the payment of any assessment due to the association, is not eligible to be a candidate for board membership and may not be listed on the ballot. For purposes of this paragraph, a person is delinquent if a payment is not made by the due date as specifically identified in the declaration of condominium, bylaws, or articles of incorporation. If a due date is not specifically identified in the declaration of condominium, bylaws, or articles of incorporation, the due date is the first day of the assessment period. A person who has been convicted of any felony in this state or in a United States District or Territorial Court, or who has been convicted of any offense in another jurisdiction which would be considered a felony if committed in this state, is not eligible for board membership unless such felon's civil rights have been restored for at least 5 years as of the date such person seeks election to the board. The validity of an action by the board is not affected if it is later determined that a board member is ineligible for board membership due to having been convicted of a felony. This subparagraph does not limit the term of a member of the board of a nonresidential or timeshare condominium.

~~4.3-~~ The bylaws must provide the method of calling meetings of unit owners, including annual meetings. Written notice of an



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1288 annual meeting must include an agenda; be mailed, hand
1289 delivered, or electronically transmitted to each unit owner at
1290 least 14 days before the annual meeting; and be posted in a
1291 conspicuous place on the condominium property or association
1292 property at least 14 continuous days before the annual meeting.
1293 Written notice of a meeting other than an annual meeting must
1294 include an agenda; be mailed, hand delivered, or electronically
1295 transmitted to each unit owner; and be posted in a conspicuous
1296 place on the condominium property or association property within
1297 the timeframe specified in the bylaws. If the bylaws do not
1298 specify a timeframe for written notice of a meeting other than
1299 an annual meeting, notice must be provided at least 14
1300 continuous days before the meeting. Upon notice to the unit
1301 owners, the board shall, by duly adopted rule, designate a
1302 specific location on the condominium property or association
1303 property at which all notices of unit owner meetings must be
1304 posted. This requirement does not apply if there is no
1305 condominium property for posting notices. ~~In lieu of, or in~~ In
1306 addition to, the physical posting of meeting notices, the
1307 association may, by reasonable rule, adopt a procedure for
1308 conspicuously posting and repeatedly broadcasting the notice and
1309 the agenda on a closed-circuit cable television system serving
1310 the condominium association. ~~However, if broadcast notice is~~
1311 ~~used in lieu of a notice posted physically on the condominium~~
1312 ~~property, the notice and agenda must be broadcast at least four~~
1313 ~~times every broadcast hour of each day that a posted notice is~~
1314 ~~otherwise required under this section.~~ If broadcast notice is
1315 provided, the notice and agenda must be broadcast in a manner
1316 and for a sufficient continuous length of time so as to allow an



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1317 average reader to observe the notice and read and comprehend the
1318 entire content of the notice and the agenda. In addition to any
1319 of the authorized means of providing notice of a meeting of the
1320 board, the association may, by rule, adopt a procedure for
1321 conspicuously posting the meeting notice and the agenda on a
1322 website serving the condominium association for at least the
1323 minimum period of time for which a notice of a meeting is also
1324 required to be physically posted on the condominium property.
1325 Any rule adopted shall, in addition to other matters, include a
1326 requirement that the association send an electronic notice in
1327 the same manner as a notice for a meeting of the members, which
1328 must include a hyperlink to the website at which the notice is
1329 posted, to unit owners whose e-mail addresses are included in
1330 the association's official records. Unless a unit owner waives
1331 in writing the right to receive notice of the annual meeting,
1332 such notice must be hand delivered, mailed, or electronically
1333 transmitted to each unit owner. Notice for meetings and notice
1334 for all other purposes must be mailed to each unit owner at the
1335 address last furnished to the association by the unit owner, or
1336 hand delivered to each unit owner. However, if a unit is owned
1337 by more than one person, the association must provide notice to
1338 the address that the developer identifies for that purpose and
1339 thereafter as one or more of the owners of the unit advise the
1340 association in writing, or if no address is given or the owners
1341 of the unit do not agree, to the address provided on the deed of
1342 record. An officer of the association, or the manager or other
1343 person providing notice of the association meeting, must provide
1344 an affidavit or United States Postal Service certificate of
1345 mailing, to be included in the official records of the



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association affirming that the notice was mailed or hand
delivered in accordance with this provision.

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

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



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

b. A director of a board of an association of a residential condominium shall:

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



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(II) Submit to the secretary of the association a certificate of having satisfactorily completed the educational curriculum administered by the division or a division-approved condominium education provider. The educational curriculum must be at least 4 hours long and include instruction on milestone inspections, structural integrity reserve studies, elections, recordkeeping, financial literacy and transparency, levying of fines, and notice and meeting requirements.

Each newly elected or appointed director must submit to the secretary of the association the written certification and educational certificate within 1 year before being elected or appointed or 90 days after the date of election or appointment. A director of an association of a residential condominium who was elected or appointed before July 1, 2024, must comply with the written certification and educational certificate requirements in this sub-subparagraph by June 30, 2025. The written certification and educational certificate is valid for 7 years after the date of issuance and does not have to be resubmitted as long as the director serves on the board without interruption during the 7-year period. A director who is appointed by the developer may satisfy the educational certificate requirement in sub-sub-subparagraph (II) for any subsequent appointment to a board by a developer within 7 years after the date of issuance of the most recent educational certificate, including any interruption of service on a board or appointment to a board in another association within that 7-year period. One year after submission of the most recent written certification and educational certificate, and annually



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thereafter, a director of an association of a residential condominium must submit to the secretary of the association a certificate of having satisfactorily completed at least 1 hour of continuing education administered by the division, or a division-approved condominium education provider, relating to any recent changes to this chapter and the related administrative rules during the past year. A director of an association of a residential condominium who fails to timely file the written certification and educational certificate is suspended from service on the board until he or she complies with this sub-subparagraph. The board may temporarily fill the vacancy during the period of suspension. The secretary shall cause the association to retain a director's written certification and educational certificate for inspection by the members for 7 years after a director's election or the duration of the director's uninterrupted tenure, whichever is longer. Failure to have such written certification and educational certificate on file does not affect the validity of any board action.

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

~~6.5.~~ Any approval by unit owners called for by this chapter or the applicable declaration or bylaws, including, but not limited to, the approval requirement in s. 718.111(8), must be made at a duly noticed meeting of unit owners and is subject to all requirements of this chapter or the applicable condominium documents relating to unit owner decisionmaking, except that unit owners may take action by written agreement, without meetings, on matters for which action by written agreement



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without meetings is expressly allowed by the applicable bylaws or declaration or any law that provides for such action.

~~7.6.~~ Unit owners may waive notice of specific meetings if allowed by the applicable bylaws or declaration or any law. Notice of meetings of the board of administration; unit owner meetings, except unit owner meetings called to recall board members under paragraph (1); and committee meetings may be given by electronic transmission to unit owners who consent to receive notice by electronic transmission. A unit owner who consents to receiving notices by electronic transmission is solely responsible for removing or bypassing filters that block receipt of mass e-mails sent to members on behalf of the association in the course of giving electronic notices.

~~8.7.~~ Unit owners have the right to participate in meetings of unit owners with reference to all designated agenda items. However, the association may adopt reasonable rules governing the frequency, duration, and manner of unit owner participation.

~~9.8.~~ A unit owner may tape record or videotape a meeting of the unit owners subject to reasonable rules adopted by the division.

~~10.9.~~ Unless otherwise provided in the bylaws, any vacancy occurring on the board before the expiration of a term may be filled by the affirmative vote of the majority of the remaining directors, even if the remaining directors constitute less than a quorum, or by the sole remaining director. In the alternative, a board may hold an election to fill the vacancy, in which case the election procedures must conform to sub-subparagraph 4.a. unless the association governs 10 units or fewer and has opted out of the statutory election process, in which case the bylaws



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of the association control. Unless otherwise provided in the bylaws, a board member appointed or elected under this section shall fill the vacancy for the unexpired term of the seat being filled. Filling vacancies created by recall is governed by paragraph (1) and rules adopted by the division.

~~11.40.~~ This chapter does not limit the use of general or limited proxies, require the use of general or limited proxies, or require the use of a written ballot or voting machine for any agenda item or election at any meeting of a timeshare condominium association or nonresidential condominium association.

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

(e) Budget meeting.—

1. Any meeting at which a proposed annual budget of an association will be considered by the board or unit owners shall be open to all unit owners. A meeting of the board or unit owners at which a proposed annual association budget will be considered may be conducted by video conference. The division shall adopt rules pursuant to ss. 120.536 and 120.54 governing the requirements for such meetings. A sound transmitting device must be used so that the conversation of such members may be



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heard by the board or committee members attending in person, as well as any unit owners present at the meeting. At least 14 days ~~before~~ ~~prior to~~ such a meeting, the board shall hand deliver to each unit owner, mail to each unit owner at the address last furnished to the association by the unit owner, or electronically transmit to the location furnished by the unit owner for that purpose a notice of such meeting and a copy of the proposed annual budget. An officer or manager of the association, or other person providing notice of such meeting, shall execute an affidavit evidencing compliance with such notice requirement, and such affidavit shall be filed among the official records of the association.

2.a. If a board proposes ~~adopts~~ in any fiscal year an annual budget which requires assessments against unit owners which exceed 115 percent of assessments for the preceding fiscal year, the board shall simultaneously propose a substitute budget that does not include any discretionary expenditures that are not required to be in the budget. The substitute budget must be proposed at the budget meeting before the adoption of the annual budget ~~conduct a special meeting of the unit owners to consider a substitute budget if the board receives, within 21 days after adoption of the annual budget, a written request for a special meeting from at least 10 percent of all voting interests. The special meeting shall be conducted within 60 days after adoption of the annual budget.~~ At least 14 days before such budget meeting in which a substitute budget will be proposed ~~prior to such special meeting~~, the board shall hand deliver to each unit owner, or mail to each unit owner at the address last furnished to the association, a notice of the meeting. An officer or



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manager of the association, or other person providing notice of such meeting shall execute an affidavit evidencing compliance with this notice requirement, and such affidavit shall be filed among the official records of the association. Unit owners must ~~may~~ consider and may adopt a substitute budget at the ~~special~~ meeting. A substitute budget is adopted if approved by a majority of all voting interests unless the bylaws require adoption by a greater percentage of voting interests. If ~~there is not a quorum at the special meeting or~~ a substitute budget is not adopted, the annual budget previously initially proposed ~~adopted~~ by the board may be adopted ~~shall take effect as scheduled~~.

b. Any determination of whether assessments exceed 115 percent of assessments for the prior fiscal year shall exclude any authorized provision for required ~~reasonable~~ reserves for repair or replacement of the condominium property, anticipated expenses of the association which the board does not expect to be incurred on a regular or annual basis for the repair, maintenance, or replacement of the items listed in paragraph (g), and insurance premiums, ~~or assessments for betterments to the condominium property.~~

c. If the developer controls the board, assessments may ~~shall~~ not exceed 115 percent of assessments for the prior fiscal year unless approved by a majority of all voting interests.

(f) Annual budget.—

1. The proposed annual budget of estimated revenues and expenses must be detailed and must show the amounts budgeted by accounts and expense classifications, including, at a minimum, any applicable expenses listed in s. 718.504(21). The board



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shall adopt the annual budget at least 14 days before the start of the association's fiscal year. In the event that the board fails to timely adopt the annual budget a second time, it is deemed a minor violation and the prior year's budget shall continue in effect until a new budget is adopted. A multicondominium association must adopt a separate budget of common expenses for each condominium the association operates and must adopt a separate budget of common expenses for the association. In addition, if the association maintains limited common elements with the cost to be shared only by those entitled to use the limited common elements as provided for in s. 718.113(1), the budget or a schedule attached to it must show the amount budgeted for this maintenance. If, after turnover of control of the association to the unit owners, any of the expenses listed in s. 718.504(21) are not applicable, they do not need to be listed.

2.a. In addition to annual operating expenses, the budget must include reserve accounts for capital expenditures and deferred maintenance. These accounts must include, but are not limited to, roof replacement, building painting, and pavement resurfacing, regardless of the amount of deferred maintenance expense or replacement cost, and any other item that has a deferred maintenance expense or replacement cost that exceeds \$25,000 or the inflation-adjusted amount determined by the division under subparagraph 5., whichever is greater \$10,000. The amount to be reserved must be computed using a formula based upon estimated remaining useful life and estimated replacement cost or deferred maintenance expense of the reserve item. In a budget adopted by an association that is required to obtain a



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structural integrity reserve study, reserves must be maintained for the items identified in paragraph (g) for which the association is responsible pursuant to the declaration of condominium, and the reserve amount for such items must be based on the findings and recommendations of the association's most recent structural integrity reserve study. If an association votes to terminate the condominium in accordance with s.

718.117, the members may vote to waive the maintenance of reserves recommended by the association's most recent structural integrity reserve study. With respect to items for which an estimate of useful life is not readily ascertainable or with an estimated remaining useful life of greater than 25 years, an association is not required to reserve replacement costs for such items, but an association must reserve the amount of deferred maintenance expense, if any, which is recommended by the structural integrity reserve study for such items. The association may adjust replacement reserve assessments annually to take into account an inflation adjustment and any changes in estimates or extension of the useful life of a reserve item caused by deferred maintenance.

b. The members of a unit-owner-controlled association may determine, by a majority vote of the total voting interests of the association, to provide no reserves or less reserves than required by this subsection. For a budget adopted on or after December 31, 2024, the members of a unit-owner-controlled association that must obtain a structural integrity reserve study may not determine to provide no reserves or less reserves than required by this subsection for items listed in paragraph (g), except that members of an association ~~operating a~~



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~~multicondominium~~ may determine to provide no reserves or less reserves than required by this subsection if an alternative funding method is used by the association ~~has been approved by the division.~~

c.(I) Reserves for the items listed in paragraph (g) may be funded by regular assessments, special assessments, lines of credit, or loans.

(II) A unit-owner-controlled association that must have a structural integrity reserve study may secure a line of credit or a loan to fund capital expenses required by a milestone inspection under s. 553.899 or a structural integrity reserve study. A line of credit or a loan under this subparagraph requires the approval of a majority vote of the total voting interests of the association. The line of credit or loan must be sufficient to fund the cumulative amount of any previously waived or unfunded portions of the reserve funding amount required by this paragraph and the most recent structural integrity reserve study. Funding from the line of credit or loan must be immediately available for access by the board to fund required repair, maintenance, or replacement expenses without further approval by the members of the association. A line of credit or a loan secured under this sub-subparagraph must be included in the financial report required under s. 718.111(13).

(III) This sub-subparagraph does not apply to associations controlled by a developer as defined in s. 718.103, an association in which the nondeveloper unit owners have been in control for less than 1 year, or an association controlled by one or more bulk assignees or bulk buyers as those terms are defined in s. 718.703.



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d. If the local building official, as defined in s. 468.603, determines that the entire condominium building is uninhabitable due to a natural emergency, as defined in s. 252.34, the board, ~~upon the approval of a majority of its members,~~ may pause the contribution to its reserves or reduce reserve funding until the local building official determines that the condominium building is habitable. Any reserve account funds held by the association may be expended, pursuant to the board's determination, to make the condominium building and its structures habitable. Upon the determination by the local building official that the condominium building is habitable, the association must immediately resume contributing funds to its reserves.

e. For a budget adopted on or before December 31, 2028, if the association has completed a milestone inspection pursuant to s. 553.899 within the previous 2 calendar years, the board, upon the approval of a majority of the total voting interests of the association, may temporarily pause, for a period of no more than 2 consecutive annual budgets, reserve fund contributions or reduce the amount of reserve funding for the purpose of funding repairs recommended by the milestone inspection. This subparagraph does not apply to an association controlled by a developer as defined in s. 718.103, an association in which the nondeveloper unit owners have been in control for less than 1 year, or an association controlled by one or more bulk assignees or bulk buyers as those terms are defined in s. 718.703. An association that has paused reserve contributions under this subparagraph must have a structural integrity reserve study performed before the continuation of reserve contributions in



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order to determine the association's reserve funding needs and
to recommend a reserve funding plan.

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

3. Reserve funds and any interest accruing thereon shall
remain in the reserve account or accounts, and may be used only
for authorized reserve expenditures unless their use for other
purposes is approved in advance by a majority vote of all the
total voting interests of the association. Before turnover of
control of an association by a developer to unit owners other
than the developer pursuant to s. 718.301, the developer-
controlled association may not vote to use reserves for purposes
other than those for which they were intended. For a budget
adopted on or after December 31, 2024, members of a unit-owner-
controlled association that must obtain a structural integrity
reserve study may not vote to use reserve funds, or any interest
accruing thereon, for any other purpose other than the
replacement or deferred maintenance costs of the components
listed in paragraph (g). A vote of the members is not required
for the board to change the accounting method for reserves to a
pooling accounting method or a straight-line accounting method.



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4. The only voting interests that are eligible to vote on questions that involve waiving or reducing the funding of reserves, or using existing reserve funds for purposes other than purposes for which the reserves were intended, are the voting interests of the units subject to assessment to fund the reserves in question. Proxy questions relating to waiving or reducing the funding of reserves or using existing reserve funds for purposes other than purposes for which the reserves were intended must contain the following statement in capitalized, bold letters in a font size larger than any other used on the face of the proxy ballot:

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

5. The division shall annually adjust for inflation, based on the Consumer Price Index for All Urban Consumers released in January of each year, the minimum \$25,000 threshold amount for required reserves. By February 1, 2026, and annually thereafter, the division must conspicuously post on its website the inflation-adjusted minimum threshold amount for required reserves.

(g) Structural integrity reserve study.—

1. A residential condominium association must have a structural integrity reserve study completed at least every 10 years after the condominium's creation for each building on the condominium property that is three stories or higher in height,



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as determined by the Florida Building Code, which includes, at a minimum, a study of the following items as related to the structural integrity and safety of the building:

- a. Roof.
- b. Structure, including load-bearing walls and other primary structural members and primary structural systems as those terms are defined in s. 627.706.
- c. Fireproofing and fire protection systems.
- d. Plumbing.
- e. Electrical systems.
- f. Waterproofing and exterior painting.
- g. Windows and exterior doors.
- h. Any other item that has a deferred maintenance expense or replacement cost that exceeds \$25,000 or the inflation-adjusted amount determined by the division under subparagraph (f)5., whichever is greater, ~~\$10,000~~ and the failure to replace or maintain such item negatively affects the items listed in sub-subparagraphs a.-g., as determined by the visual inspection portion of the structural integrity reserve study.

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

3.a. A structural integrity reserve study ~~may be performed by any person qualified to perform such study. However,~~ including the visual inspection portion of the structural integrity reserve study, must be performed or verified by an engineer licensed under chapter 471, an architect licensed under chapter 481, or a person certified as a reserve specialist or professional reserve analyst by the Community Associations Institute or the Association of Professional Reserve Analysts.



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b. Any design professional as defined in s. 558.002 or any contractor licensed under chapter 489 who bids to perform a structural integrity reserve study must disclose in writing to the association his or her intent to bid on any services related to any maintenance, repair, or replacement that may be recommended by the structural integrity reserve study. Any design professional as defined in s. 558.002 or contractor licensed under chapter 489 who submits a bid to the association for performing any services recommended by the structural integrity reserve study may not have an interest, directly or indirectly, in the firm or entity providing the association's structural integrity reserve study or be a relative of any person having a direct or indirect interest in such firm, unless such relationship is disclosed to the association in writing. As used in this section, the term "relative" means a relative within the third degree of consanguinity by blood or marriage. A contract for services is voidable and terminates upon the association filing a written notice terminating the contract if the design professional or licensed contractor failed to provide the written disclosure of the interests or relationships required under this paragraph. A design professional or licensed contractor may be subject to discipline under the applicable practice act for his or her profession for failure to provide the written disclosure of the interests or relationships required under this paragraph.

4.a.3. At a minimum, a structural integrity reserve study must identify each item of the condominium property being visually inspected, state the estimated remaining useful life and the estimated replacement cost or deferred maintenance



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expense of each item of the condominium property being visually inspected, and provide a reserve funding plan or schedule with a recommended annual reserve amount that achieves the estimated replacement cost or deferred maintenance expense of each item of condominium property being visually inspected by the end of the estimated remaining useful life of the item. At a minimum, the structural integrity reserve study must include a recommendation for a reserve funding schedule based on a baseline funding plan that provides a reserve funding goal in which the reserve funding for each budget year is sufficient to maintain the reserve cash balance above zero. The study may recommend other types of reserve funding schedules, provided that each recommended schedule is sufficient to meet the association's maintenance obligation.

b. The structural integrity reserve study may recommend that reserves do not need to be maintained for any item for which an estimate of useful life and an estimate of replacement cost cannot be determined, or the study may recommend a deferred maintenance expense amount for such item. The structural integrity reserve study may recommend that reserves for replacement costs do not need to be maintained for any item with an estimated remaining useful life of greater than 25 years, but the study may recommend a deferred maintenance expense amount for such item. If the structural integrity reserve study recommends reserves for any item for which reserves are not required under this paragraph, the amount of the recommended reserves for such item must be separately identified in the structural integrity reserve study as an item for which reserves are not required under this paragraph.



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c. The structural integrity reserve study must take into consideration the funding method or methods used by the association to fund its maintenance and reserve funding obligations through regular assessments, special assessments, lines of credit, or loans. If the structural integrity reserve study is performed before the association has approved a special assessment or secured a line of credit or a loan, the structural integrity reserve study must be updated to reflect the funding method selected by the association and its effect on the reserve funding schedule, including any anticipated change in the amount of regular assessments. The structural integrity reserve study may be updated to reflect any changes to the useful life of the reserve items after such items are repaired or replaced, and the effect such repair or replacement will have on the reserve funding schedule. The association must obtain an updated structural integrity reserve study before adopting any budget in which the reserve funding from regular assessments, special assessments, lines of credit, or loans do not align with the funding plan from the most recent version of the structural integrity reserve study.

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

6.5- Before a developer turns over control of an association to unit owners other than the developer, the



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developer must have a turnover inspection report in compliance with s. 718.301(4)(p) and (q) for each building on the condominium property that is three stories or higher in height.

~~7.6.~~ Associations existing on or before July 1, 2022, which are controlled by unit owners other than the developer, must have a structural integrity reserve study completed by December 31, 2025 ~~2024~~, for each building on the condominium property that is three stories or higher in height. An association that is required to complete a milestone inspection in accordance with s. 553.899 on or before December 31, 2026, may complete the structural integrity reserve study simultaneously with the milestone inspection. In no event may the structural integrity reserve study be completed after December 31, 2026.

~~8.7.~~ If the milestone inspection required by s. 553.899, or an inspection completed for a similar local requirement, was performed within the past 5 years and meets the requirements of this paragraph, such inspection may be used in place of the visual inspection portion of the structural integrity reserve study.

9. If the association completes a milestone inspection required by s. 553.899, or an inspection completed for a similar local requirement, the association may delay performance of a required structural integrity reserve study for no more than the 2 consecutive budget years immediately following the milestone inspection in order to allow the association to focus its financial resources on completing the repair and maintenance recommendations of the milestone inspection.

~~10.8.~~ If the officers or directors of an association willfully and knowingly fail to complete a structural integrity



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reserve study pursuant to this paragraph, such failure is a breach of an officer's or a ~~and~~ director's fiduciary relationship to the unit owners under s. 718.111(1). An officer or a director of an association must sign an affidavit acknowledging receipt of the completed structural integrity reserve study.

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

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

13. The division shall adopt by rule the form for the structural integrity reserve study in coordination with the



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Florida Building Commission.

Section 8. Subsections (1) and (3) of section 718.501, Florida Statutes, are amended, and paragraph (d) is added to subsection (2) of that section, to read:

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

(1) The division may enforce and ensure compliance with this chapter and rules relating to the development, construction, sale, lease, ownership, operation, and management of residential condominium units and complaints ~~related to the procedural completion of milestone inspections under s. 553.899.~~ In performing its duties, the division has complete jurisdiction to investigate complaints and enforce compliance with respect to associations that are still under developer control or the control of a bulk assignee or bulk buyer pursuant to part VII of this chapter and complaints against developers, bulk assignees, or bulk buyers involving improper turnover or failure to turnover, pursuant to s. 718.301. However, after turnover has occurred, the division has jurisdiction to review records and investigate complaints related only to:

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



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

3. The maintenance of and unit owner access to association records under s. 718.111(12).

4. The procedural aspects of meetings, including unit owner meetings, quorums, voting requirements, proxies, board of administration meetings, and budget meetings under s. 718.112(2).

5. The disclosure of conflicts of interest under ss. 718.111(1)(a) and 718.3027, including limitations contained in s. 718.111(3)(f).

6. The removal of a board director or officer under ss. 718.111(1)(a) and (15) and 718.112(2)(p) and (q).

7. The procedural completion of structural integrity reserve studies under s. 718.112(2)(g) and the milestone inspections under s. 553.899.

8. Completion of repairs required by a milestone inspection under s. 553.899.

~~9.8.~~ Any written inquiries by unit owners to the association relating to such matters, including written inquiries under s. 718.112(2)(a)2.

10. The requirement for associations to maintain an insurance policy or fidelity bonding for all persons who control or disperse funds of the association under s. 718.111(11)(h).

11. Board member education requirements under s. 718.112(2)(d)5.b.

12. Reporting requirements for structural integrity reserve



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studies under subsection (3) and under s. 718.112(2)(g)12.

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

2. The division may submit any official written report, worksheet, or other related paper, or a duly certified copy thereof, compiled, prepared, drafted, or otherwise made by and duly authenticated by a financial examiner or analyst to be admitted as competent evidence in any hearing in which the financial examiner or analyst is available for cross-examination and attests under oath that such documents were prepared as a result of an examination or inspection conducted pursuant to this chapter.

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

(d) For the purpose of any investigation under this chapter, the division director or any officer or employee designated by the division director may administer oaths or affirmations, subpoena witnesses and compel their attendance, take evidence, and require the production of any matter which is relevant to the investigation, including the existence, description, nature, custody, condition, and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of relevant facts or any other matter reasonably calculated to lead to the discovery of



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material evidence. Upon the failure by a person to obey a subpoena or to answer questions propounded by the investigating officer and upon reasonable notice to all affected persons, the division may apply to the circuit court for an order compelling compliance.

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

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

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



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

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

4. The division may petition the court for appointment of a receiver or conservator. If appointed, the receiver or conservator may take action to implement the court order to ensure the performance of the order and to remedy any breach thereof. In addition to all other means provided by law for the enforcement of an injunction or temporary restraining order, the



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circuit court may impound or sequester the property of a party defendant, including books, papers, documents, and related records, and allow the examination and use of the property by the division and a court-appointed receiver or conservator.

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

6. The division may impose a civil penalty against a developer, bulk assignee, or bulk buyer, or association, or its assignee or agent, for any violation of this chapter or related rule. The division may impose a civil penalty individually against an officer or board member who willfully and knowingly violates this chapter, an adopted rule, or a final order of the division; may order the removal of such individual as an officer or from the board of administration or as an officer of the association; and may prohibit such individual from serving as an officer or on the board of a community association for a period of time. The term "willfully and knowingly" means that the division informed the officer or board member that his or her action or intended action violates this chapter, a rule adopted under this chapter, or a final order of the division and that the officer or board member refused to comply with the requirements of this chapter, a rule adopted under this chapter, or a final order of the division. The division, before



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2100 initiating formal agency action under chapter 120, must afford
2101 the officer or board member an opportunity to voluntarily
2102 comply, and an officer or board member who complies within 10
2103 days is not subject to a civil penalty. A penalty may be imposed
2104 on the basis of each day of continuing violation, but the
2105 penalty for any offense may not exceed \$5,000. The division
2106 shall adopt⁷ by rule⁷ penalty guidelines applicable to possible
2107 violations or to categories of violations of this chapter or
2108 rules adopted by the division. The guidelines must specify a
2109 meaningful range of civil penalties for each such violation of
2110 the statute and rules and must be based upon the harm caused by
2111 the violation, upon the repetition of the violation, and upon
2112 such other factors deemed relevant by the division. For example,
2113 the division may consider whether the violations were committed
2114 by a developer, bulk assignee, or bulk buyer, or owner-
2115 controlled association, the size of the association, and other
2116 factors. The guidelines must designate the possible mitigating
2117 or aggravating circumstances that justify a departure from the
2118 range of penalties provided by the rules. It is the legislative
2119 intent that minor violations be distinguished from those which
2120 endanger the health, safety, or welfare of the condominium
2121 residents or other persons and that such guidelines provide
2122 reasonable and meaningful notice to the public of likely
2123 penalties that may be imposed for proscribed conduct. This
2124 subsection does not limit the ability of the division to
2125 informally dispose of administrative actions or complaints by
2126 stipulation, agreed settlement, or consent order. All amounts
2127 collected shall be deposited with the Chief Financial Officer to
2128 the credit of the Division of Florida Condominiums, Timeshares,



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and Mobile Homes Trust Fund. If a developer, bulk assignee, or bulk buyer fails to pay the civil penalty and the amount deemed to be owed to the association, the division shall issue an order directing that such developer, bulk assignee, or bulk buyer cease and desist from further operation until such time as the civil penalty is paid or may pursue enforcement of the penalty in a court of competent jurisdiction. If an association fails to pay the civil penalty, the division shall pursue enforcement in a court of competent jurisdiction, and the order imposing the civil penalty or the cease and desist order is not effective until 20 days after the date of such order. Any action commenced by the division shall be brought in the county in which the division has its executive offices or in the county in which the violation occurred.

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

8. In addition to subparagraph 6., the division may seek the imposition of a civil penalty through the circuit court for



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any violation for which the division may issue a notice to show cause under paragraph (t). The civil penalty shall be at least \$500 but no more than \$5,000 for each violation. The court may also award to the prevailing party court costs and reasonable attorney fees and, if the division prevails, may also award reasonable costs of investigation.

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

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

(g) The division may adopt rules to administer and enforce this chapter.

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

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

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



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

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

(m) The division shall develop a program to certify both volunteer and paid mediators to provide mediation of condominium disputes. The division shall provide, upon request, a list of such mediators to any association, unit owner, or other participant in alternative dispute resolution proceedings under s. 718.1255 requesting a copy of the list. The division shall include on the list of volunteer mediators only the names of persons who have received at least 20 hours of training in mediation techniques or who have mediated at least 20 disputes. In order to become initially certified by the division, paid mediators must be certified by the Supreme Court to mediate court cases in county or circuit courts. However, the division



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may adopt~~7~~ by rule~~7~~ additional factors for the certification of paid mediators, which must be related to experience, education, or background. Any person initially certified as a paid mediator by the division must, in order to continue to be certified, comply with the factors or requirements adopted by rule.

(n) If a complaint is made, the division must conduct its inquiry with due regard for the interests of the affected parties. Within 30 days after receipt of a complaint, the division shall acknowledge the complaint in writing and notify the complainant whether the complaint is within the jurisdiction of the division and whether additional information is needed by the division from the complainant. The division shall conduct its investigation and, within 90 days after receipt of the original complaint or of timely requested additional information, take action upon the complaint. However, the failure to complete the investigation within 90 days does not prevent the division from continuing the investigation, accepting or considering evidence obtained or received after 90 days, or taking administrative action if reasonable cause exists to believe that a violation of this chapter or a rule has occurred. If an investigation is not completed within the time limits established in this paragraph, the division shall, on a monthly basis, notify the complainant in writing of the status of the investigation. When reporting its action to the complainant, the division shall inform the complainant of any right to a hearing under ss. 120.569 and 120.57. The division may adopt rules regarding the submission of a complaint against an association.

(o) Condominium association directors, officers, and



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employees; condominium developers; bulk assignees, bulk buyers, and community association managers; and community association management firms have an ongoing duty to reasonably cooperate with the division in any investigation under this section. The division shall refer to local law enforcement authorities any person whom the division believes has altered, destroyed, concealed, or removed any record, document, or thing required to be kept or maintained by this chapter with the purpose to impair its verity or availability in the department's investigation. The division shall refer to local law enforcement authorities any person whom the division believes has engaged in fraud, theft, embezzlement, or other criminal activity or when the division has cause to believe that fraud, theft, embezzlement, or other criminal activity has occurred.

(p) The division director or any officer or employee of the division and the condominium ombudsman or any employee of the Office of the Condominium Ombudsman may attend and observe any meeting of the board of administration or any unit owner meeting, including any meeting of a subcommittee or special committee, which is open to members of the association for the purpose of performing the duties of the division or the Office of the Condominium Ombudsman under this chapter.

(q) The division may:

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

(r) The division shall cooperate with similar agencies in other jurisdictions to establish uniform filing procedures and forms, public offering statements, advertising standards, and



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rules and common administrative practices.

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

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

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

(v) The division shall submit to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the chairs of the legislative appropriations committees an annual report that includes, but need not be limited to, the number of training programs provided for condominium association board members and unit owners, the number of complaints received by type, the number and percent of complaints acknowledged in writing within 30 days and the number and percent of investigations acted upon within 90 days in accordance with paragraph (n), and the number of investigations exceeding the 90-day requirement. The annual report must also include an evaluation of the division's core business processes and make recommendations for improvements, including statutory changes. After December 31, 2024, the division must include a list of the associations that have completed the structural



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integrity reserve study required under s. 718.112(2)(g). The report shall be submitted by September 30 following the end of the fiscal year.

(2)

(d) Each condominium association must create and maintain an online account with the division, as required in subsection (3).

(3) On or before October 1, 2025, all condominium associations must create and maintain an online account with the division and provide information requested by the division in an electronic format determined by the division. The division shall adopt rules to implement this subsection. The division may require condominium associations to provide such information no more than once per year, except that the division may require condominium associations to update the contact information in paragraph (a) within 30 days after any change. The division shall provide a condominium association at least a 45-day notice of any requirement to provide any information after the condominium association initially creates an online account. The information that the division may require from condominium associations is limited to:

(a) Contact information for the association that includes:

1. Name of the association.

2. The physical address of the condominium property.

3. Mailing address and county of the association.

4. E-mail address and telephone number for the association.

5. Name and board title for each member of the association's board.

6. Name and contact information of the association's



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community association manager or community association
management firm, if applicable.

7. The hyperlink or website address of the association's
website, if applicable.

(b) Total number of buildings and for each building in the
association:

1. Total number of stories, including both habitable and
uninhabitable stories.

2. Total number of units.

3. Age of each building based on the certificate of
occupancy.

4. Any construction commenced within the common elements
within the calendar year.

(c) The association's assessments, including the:

1. Amount of assessment or special assessment by unit type,
including reserves.

2. Purpose of the assessment or special assessment.

3. Name of the financial institution or institutions with
which the association maintains accounts.

(d) A copy of any structural integrity reserve study and
any associated materials requested by the department within 5
business days after such request, in a manner prescribed by the
department.

~~(a) On or before January 1, 2023, condominium associations
existing on or before July 1, 2022, must provide the following
information to the division in writing, by e-mail, United States
Postal Service, commercial delivery service, or hand delivery,
at a physical address or e-mail address provided by the division
and on a form posted on the division's website:~~



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~~1. The number of buildings on the condominium property that are three stories or higher in height.~~

~~2. The total number of units in all such buildings.~~

~~3. The addresses of all such buildings.~~

~~4. The counties in which all such buildings are located.~~

~~(b) The division must compile a list of the number of buildings on condominium property that are three stories or higher in height, which is searchable by county, and must post the list on the division's website. This list must include all of the following information:~~

~~1. The name of each association with buildings on the condominium property that are three stories or higher in height.~~

~~2. The number of such buildings on each association's property.~~

~~3. The addresses of all such buildings.~~

~~4. The counties in which all such buildings are located.~~

~~(c) An association must provide an update in writing to the division if there are any changes to the information in the list under paragraph (b) within 6 months after the change.~~

Section 9. Paragraph (d) of subsection (1) and paragraphs (d) and (e) of subsection (2) of section 718.503, Florida Statutes, are amended, to read:

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

(1) DEVELOPER DISCLOSURE.—

(d) Milestone inspection, turnover inspection report, or structural integrity reserve study.—If the association is required to have completed a milestone inspection as described in s. 553.899, a turnover inspection report for a turnover



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inspection performed on or after July 1, 2023, or a structural integrity reserve study, and the association has not completed the milestone inspection, the turnover inspection report, or the structural integrity reserve study, each contract entered into after December 31, 2024, for the sale of a residential unit shall contain in conspicuous type a statement indicating that the association is required to have a milestone inspection, a turnover inspection report, or a structural integrity reserve study and has not completed such inspection, report, or study, as appropriate. If the association is not required to have a milestone inspection as described in s. 553.899 or a structural integrity reserve study, each contract entered into after December 31, 2024, for the sale of a residential unit shall contain in conspicuous type a statement indicating that the association is not required to have a milestone inspection or a structural integrity reserve study, as appropriate. If the association has completed a milestone inspection as described in s. 553.899, a turnover inspection report for a turnover inspection performed on or after July 1, 2023, or a structural integrity reserve study, each contract entered into after December 31, 2024, for the sale of a residential unit shall contain in conspicuous type:

1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE INSPECTOR- PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION 718.301(4) (p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY



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RESERVE STUDY DESCRIBED IN SECTIONS 718.103(26) AND
718.112(2)(g), FLORIDA STATUTES, IF APPLICABLE, MORE THAN 15
DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, BEFORE
~~PRIOR TO~~ EXECUTION OF THIS CONTRACT; and

2. A clause which states: THIS AGREEMENT IS VOIDABLE BY
BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO
CANCEL WITHIN 15 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL
HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE
BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE INSPECTOR-
PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED
IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF
THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION
718.301(4)(p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A
COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY
RESERVE STUDY DESCRIBED IN SECTIONS 718.103(26) AND
718.112(2)(g), FLORIDA STATUTES, IF APPLICABLE. ANY PURPORTED
WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER
MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 15
DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER
THE BUYER RECEIVES A CURRENT COPY OF THE INSPECTOR-PREPARED
SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN
SECTION 553.899, FLORIDA STATUTES; A COPY OF THE TURNOVER
INSPECTION REPORT DESCRIBED IN SECTION 718.301(4)(p) AND (q),
FLORIDA STATUTES; OR A COPY OF THE ASSOCIATION'S MOST RECENT
STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS
718.103(26) AND 718.112(2)(g), FLORIDA STATUTES, IF REQUESTED IN
WRITING. BUYER'S RIGHT TO VOID THIS AGREEMENT SHALL TERMINATE AT
CLOSING.



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A contract that does not conform to the requirements of this paragraph is voidable at the option of the purchaser before ~~prior to~~ closing.

(2) NONDEVELOPER DISCLOSURE.—

(d) Each contract entered into after July 1, 1992, for the resale of a residential unit must ~~shall~~ contain in conspicuous type either:

1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE DECLARATION OF CONDOMINIUM, ARTICLES OF INCORPORATION OF THE ASSOCIATION, BYLAWS AND RULES OF THE ASSOCIATION, A COPY OF THE MOST RECENT ANNUAL FINANCIAL STATEMENT AND ANNUAL BUDGET, AND FREQUENTLY ASKED QUESTIONS AND ANSWERS DOCUMENT MORE THAN 7 ~~3~~ DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, BEFORE ~~PRIOR~~ ~~TO~~ EXECUTION OF THIS CONTRACT; or

2. A clause which states: THIS AGREEMENT IS VOIDABLE BY BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO CANCEL WITHIN 7 ~~3~~ DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE DECLARATION OF CONDOMINIUM, ARTICLES OF INCORPORATION, BYLAWS AND RULES OF THE ASSOCIATION, A COPY OF THE MOST RECENT ANNUAL FINANCIAL STATEMENT AND ANNUAL BUDGET, AND FREQUENTLY ASKED QUESTIONS AND ANSWERS DOCUMENT IF SO REQUESTED IN WRITING. ANY PURPORTED WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 7 ~~3~~ DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE BUYER RECEIVES THE DECLARATION, ARTICLES OF INCORPORATION, BYLAWS AND RULES OF THE ASSOCIATION, AND A COPY OF THE MOST



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2477 RECENT YEAR-END FINANCIAL STATEMENT AND ANNUAL BUDGET
2478 ~~INFORMATION~~ AND FREQUENTLY ASKED QUESTIONS AND ANSWERS DOCUMENT
2479 IF REQUESTED IN WRITING. BUYER'S RIGHT TO VOID THIS AGREEMENT
2480 SHALL TERMINATE AT CLOSING.
2481
2482 A contract that does not conform to the requirements of this
2483 paragraph is voidable at the option of the purchaser before
2484 ~~prior to~~ closing.
2485 (e) If the association is required to have completed a
2486 milestone inspection as described in s. 553.899, a turnover
2487 inspection report for a turnover inspection performed on or
2488 after July 1, 2023, or a structural integrity reserve study, and
2489 the association has not completed the milestone inspection, the
2490 turnover inspection report, or the structural integrity reserve
2491 study, each contract entered into after December 31, 2024, for
2492 the sale of a residential unit shall contain in conspicuous type
2493 a statement indicating that the association is required to have
2494 a milestone inspection, a turnover inspection report, or a
2495 structural integrity reserve study and has not completed such
2496 inspection, report, or study, as appropriate. If the association
2497 is not required to have a milestone inspection as described in
2498 s. 553.899 or a structural integrity reserve study, each
2499 contract entered into after December 31, 2024, for the sale of a
2500 residential unit shall contain in conspicuous type a statement
2501 indicating that the association is not required to have a
2502 milestone inspection or a structural integrity reserve study, as
2503 appropriate. If the association has completed a milestone
2504 inspection as described in s. 553.899, a turnover inspection
2505 report for a turnover inspection performed on or after July 1,



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2023, or a structural integrity reserve study, each contract entered into after December 31, 2024, for the resale of a residential unit shall contain in conspicuous type:

1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE INSPECTOR- PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION 718.301(4) (p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS 718.103(26) AND 718.112(2) (g), FLORIDA STATUTES, IF APPLICABLE, MORE THAN 7 ~~3~~ DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, BEFORE ~~PRIOR TO~~ EXECUTION OF THIS CONTRACT; and

2. A clause which states: THIS AGREEMENT IS VOIDABLE BY BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO CANCEL WITHIN 7 ~~3~~ DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE INSPECTOR- PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION 718.301(4) (p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS 718.103(26) AND 718.112(2) (g), FLORIDA STATUTES, IF APPLICABLE. ANY PURPORTED WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 7 ~~3~~ DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER



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THE BUYER RECEIVES A CURRENT COPY OF THE INSPECTOR-PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN SECTION 553.899, FLORIDA STATUTES; A COPY OF THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION 718.301(4) (p) AND (q), FLORIDA STATUTES; OR A COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS 718.103(26) AND 718.112(2) (g), FLORIDA STATUTES, IF REQUESTED IN WRITING. BUYER'S RIGHT TO VOID THIS AGREEMENT SHALL TERMINATE AT CLOSING.

A contract that does not conform to the requirements of this paragraph is voidable at the option of the purchaser before ~~prior to~~ closing.

Section 10. Section 8 of chapter 2024-244, Laws of Florida, is amended to read:

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

718.111 The association.—

(12) OFFICIAL RECORDS.—

(g)1. An association managing a condominium with 25 or more units which does not contain timeshare units shall post digital copies of the documents specified in subparagraph 2. on its website or make such documents available through an application that can be downloaded on a mobile device. Unless a shorter period is otherwise required, a document must be made available on the association's website or made available for download through an application on a mobile device within 30 days after the association receives or creates an official record specified



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in subparagraph 2.

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

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

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

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

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

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

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

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

c. The articles of incorporation of the association, or



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

d. The rules of the association.

e. The approved minutes of all board of administration meetings over the preceding 12 months.

f. The video recording or a hyperlink to the video recording for all meetings of the association, the board of administration, any committee, and the unit owners which are conducted by video conference over the preceding 12 months.

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

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

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

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

~~k.i.~~ All contracts or transactions between the association and any director, officer, corporation, firm, or association



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that is not an affiliated condominium association or any other entity in which an association director is also a director or officer and financially interested.

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

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

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

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

~~p.n.~~ The association's most recent structural integrity reserve study, if applicable.

~~q.o.~~ Copies of all building permits issued for ongoing or planned construction.

r. A copy of all affidavits required by this chapter.



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s. A copy of all investment policy statements adopted pursuant to paragraph (16)(c), and all financial statements related to the association's investment of funds under subsection (16).

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

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

Section 11. Section 31 of chapter 2024-244, Laws of Florida, is amended to read:

Section 31. The amendments made to ss. 718.103(14) and 718.202(3) and 718.407(1), (2), and (6), Florida Statutes, as created by this act, may not ~~are intended to clarify existing law and shall~~ apply retroactively and shall only apply to condominiums for which declarations were initially recorded on or after October 1, 2024. ~~However, such amendments do not revive~~



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~~or reinstate any right or interest that has been fully and finally adjudicated as invalid before October 1, 2024.~~

Section 12. Subsection (13) is added to section 719.104, Florida Statutes, to read:

719.104 Cooperatives; access to units; records; financial reports; assessments; purchase of leases.—

(13) INVESTMENT OF ASSOCIATION FUNDS.—

(a) A board shall, in fulfilling its duty to manage operating and reserve funds of its association, use best efforts to make prudent investment decisions that carefully consider risk and return in an effort to maximize returns on invested funds.

(b) An association may invest reserve funds in one or any combination of certificates of deposit or in depository accounts at a community bank, savings bank, commercial bank, savings and loan association, or credit union. Upon a majority vote of the voting interests, an association may invest reserve funds in investments other than certificates of deposit or depository accounts at a community bank, savings bank, commercial bank, savings and loan association, or credit union, provided the association complies with paragraphs (c)-(g). Notwithstanding any declaration, only funds identified as reserve funds may be invested pursuant to paragraphs (c)-(g). Paragraphs (c)-(g) do not apply to funds invested in one or any combination of certificates of deposit or depository accounts at a community bank, savings bank, commercial bank, savings and loan association, or credit union.

(c) The board shall create an investment committee composed of at least two board members and two-unit unit members who are



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unit owners but not board members. The board shall also adopt rules for invested funds, including, but not limited to, rules requiring periodic reviews of any investment manager's performance, the development of an investment policy statement, and that all meetings of the investment committee be recorded and made part of the official records of the association. The investment policy statement developed pursuant to this paragraph must, at a minimum, address risk, liquidity, and benchmark measurements; authorized classes of investments; authorized investment mixes; limitations on authority relating to investment transactions; requirements for projected reserve expenditures within, at minimum, the next 24 months to be held in cash or cash equivalents; projected expenditures relating to an inspection performed pursuant to s. 553.899; and protocols for proxy response.

(d) The investment committee shall recommend investment advisers to the board, and the board shall select one of the recommended investment advisers to provide services to the association. Such investment advisers must be registered or have notice filed under s. 517.12. The selected investment adviser and any representative or association of the investment adviser may not be related by affinity or consanguinity to, or under common ownership with, any board member, community management company, reserve study provider, or a co-owner of a unit with a board member or investment committee member. The investment adviser shall comply with the prudent investor rule in s. 518.11. The investment adviser shall act as a fiduciary to the association in compliance with the standards set forth in the Employee Retirement Income Security Act of 1974 at 29 U.S.C. s.



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1104(a)(1)(A)-(C). In case of conflict with other laws authorizing investments, the investment and fiduciary standards set forth in this subsection must prevail. If at any time the investment committee determines that an investment adviser does not meet the requirements of this section, the investment committee must recommend a replacement investment adviser to the board.

(e) At least once each calendar year, or sooner if a substantial financial obligation of the association becomes known to the board, the association must provide the investment adviser with the association's investment policy statement, the most recent reserve study report, the association's structural integrity report, and the financial reports prepared pursuant to subsection (13). If there is no recent reserve study report, the association must provide the investment adviser with a good faith estimate disclosing the annual amount of reserve funds necessary for the association to fund reserves fully for the life of each reserve component and each component's redundancies. The investment adviser shall annually review these documents and provide the association with a portfolio allocation model that is suitably structured and prudently designed to match projected annual reserve fund requirements and liability, assets, and liquidity requirements. The investment adviser shall prepare a funding projection for each reserve component, including any of the component's redundancies. The association shall have available at all times a minimum of 24 months of projected reserves in cash or cash equivalents.

(f) Portfolios managed by the investment adviser may contain any type of investment necessary to meet the objectives



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in the investment policy statement; however, portfolios may not contain stocks, securities, or other obligations that the State Board of Administration is prohibited from investing in under s. 215.471, s. 215.4725, or s. 215.473 or that state agencies are prohibited from investing in under s. 215.472, as determined by the investment adviser. Any funds invested by the investment adviser must be held in third-party custodial accounts that are subject to insurance coverage by the Securities Investor Protection Corporation in an amount equal to or greater than the invested amount. The investment adviser may withdraw investment fees, expenses, and commissions from invested funds.

(g) The investment adviser shall:

1. Annually provide the association with a written certification of compliance with this section and a list of stocks, securities, and other obligations that are prohibited from being in association portfolios under paragraph (f); and

2. Submit monthly, quarterly, and annual reports to the association which are prepared in accordance with established financial industry standards and in accordance with chapter 517.

(h) Any principal, earnings, or interest managed under this subsection must be available at no cost or charge to the association within 15 business days after delivery of the association's written or electronic request.

(i) Unallocated income earned on reserve fund investments may be spent only on capital expenditures, planned maintenance, structural repairs, or other items for which the reserve accounts have been established. Any surplus of funds that exceeds the amount required to maintain reasonably funded reserves must be managed pursuant to s. 718.115.



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Section 13. Paragraphs (j) and (k) of subsection (1) of section 719.106, Florida Statutes, are amended to read:

719.106 Bylaws; cooperative ownership.—

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

(j) Annual budget.—

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

2.a. In addition to annual operating expenses, the budget must include reserve accounts for capital expenditures and deferred maintenance. These accounts must include, but not be limited to, roof replacement, building painting, and pavement resurfacing, regardless of the amount of deferred maintenance expense or replacement cost, and for any other items for which the deferred maintenance expense or replacement cost exceeds \$25,000 or the inflation-adjusted amount determined by the division under subparagraph 5., whichever amount is greater ~~\$10,000~~. The amount to be reserved must be computed by means of a formula which is based upon estimated remaining useful life and estimated replacement cost or deferred maintenance expense of the reserve item. In a budget adopted by an association that



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is required to obtain a structural integrity reserve study, reserves must be maintained for the items identified in paragraph (k) for which the association is responsible pursuant to the declaration, and the reserve amount for such items must be based on the findings and recommendations of the association's most recent structural integrity reserve study. With respect to items for which an estimate of useful life is not readily ascertainable or with an estimated remaining useful life of greater than 25 years, an association is not required to reserve replacement costs for such items, but an association must reserve the amount of deferred maintenance expense, if any, which is recommended by the structural integrity reserve study for such items. The association may adjust replacement reserve assessments annually to take into account an inflation adjustment and any changes in estimates or extension of the useful life of a reserve item caused by deferred maintenance.

b. The members of a unit-owner-controlled association may determine, by a majority vote of the total voting interests of the association, for a fiscal year to provide no reserves or reserves less adequate than required by this subsection. Before turnover of control of an association by a developer to unit owners other than a developer under s. 719.301, the developer-controlled association may not vote to waive the reserves or reduce funding of the reserves.

c. For a budget adopted on or after December 31, 2024, a unit-owner-controlled association that must obtain a structural integrity reserve study may not determine to provide no reserves or reserves less adequate than required by this paragraph for items listed in paragraph (k). If a meeting of the unit owners



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has been called to determine to provide no reserves, or reserves less adequate than required, and such result is not attained or a quorum is not attained, the reserves as included in the budget shall go into effect.

d. If the local building official as defined in s. 468.603, determines that the entire cooperative building is uninhabitable due to a natural emergency as defined in s. 252.34, the board may pause the contribution to its reserves or reduce reserve funding until the local building official determines that the cooperative building is habitable. Any reserve account funds held by the association may be expended, pursuant to the board's determination, to make the cooperative building and its structures habitable. Upon the determination by the local building official that the cooperative building is habitable, the association must immediately resume contributing funds to its reserves.

e. Reserves for the items listed in paragraph (g) may be funded by regular assessments, special assessments, lines of credit, or loans.

3. A unit-owner-controlled association that must have a structural reserve study may secure a line of credit or a loan to fund capital expenses required by a milestone inspection under s. 553.899 or a structural integrity reserve study. Any line of credit or loan under this subparagraph requires the approval of a majority vote of the total voting interests of the association. The lines of credit or loans must be sufficient to fund the cumulative amount of any previously waived or unfunded portion of the reserve funding amount required by this paragraph and the most recent structural integrity reserve study. Funding



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from the line of credit or loans must be immediately available for access by the board to fund required repair, maintenance, or replacement expenses without further approval by the members of the association. Any lines of credit or loans secured under this paragraph must be included in the financial report required under s. 719.104(4).

a. For a budget adopted on or before December 31, 2028, if the association has completed a milestone inspection pursuant to s. 553.899 within the previous 2 calendar years, the board, upon the approval of a majority of the total voting interests of the association, may temporarily pause, for a period of no more than 2 consecutive annual budgets, reserve fund contributions or reduce the amount of reserve funding for the purpose of funding repairs recommended by the milestone inspection. This subparagraph does not apply to a developer-controlled association and an association in which the nondeveloper unit owners have been in control for less than 1 year.

b. An association that has paused reserve contributions under this sub-subparagraph a. must have a structural integrity reserve study performed before the continuation of reserve contributions in order to determine the association's reserve funding needs and to recommend a reserve funding plan.

~~4.3.~~ Reserve funds and any interest accruing thereon shall remain in the reserve account or accounts, and shall be used only for authorized reserve expenditures unless their use for other purposes is approved in advance by a vote of the majority of the total voting interests of the association. Before turnover of control of an association by a developer to unit owners other than the developer under s. 719.301, the developer



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may not vote to use reserves for purposes other than that for which they were intended. For a budget adopted on or after December 31, 2024, members of a unit-owner-controlled association that must obtain a structural integrity reserve study may not vote to use reserve funds, or any interest accruing thereon, for purposes other than the replacement or deferred maintenance costs of the components listed in paragraph (k). A vote of the members is not required for the board to change the accounting method for reserves to a pooling accounting method or a straight-line accounting method.

5. The division shall annually adjust for inflation, based on the Consumer Price Index for All Urban Consumers released in January of each year, the minimum \$25,000 threshold amount for required reserves. By February 1, 2026, and annually thereafter, the division must conspicuously post on its website the inflation-adjusted minimum threshold amount for required reserves.

(k) Structural integrity reserve study.—

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

a. Roof.

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



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c. Fireproofing and fire protection systems.
d. Plumbing.
e. Electrical systems.
f. Waterproofing and exterior painting.
g. Windows and exterior doors.
h. Any other item that has a deferred maintenance expense or replacement cost that exceeds \$25,000 or the inflation-adjusted amount determined by the division under subparagraph (j)5., whichever is greater, \$10,000 and the failure to replace or maintain such item negatively affects the items listed in sub-subparagraphs a.-g., as determined by the visual inspection portion of the structural integrity reserve study.

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

3.a. A structural integrity reserve study ~~may be performed by any person qualified to perform such study.~~ However, including the visual inspection portion of the structural integrity reserve study, must be performed or verified by an engineer licensed under chapter 471, an architect licensed under chapter 481, or a person certified as a reserve specialist or professional reserve analyst by the Community Associations Institute or the Association of Professional Reserve Analysts.

b. Any design professional as defined in s. 558.002(7) or contractor licensed under chapter 489 who bids to perform a structural integrity reserve study must disclose in writing to the association his or her intent to bid on any services related to any maintenance, repair, or replacement that may be recommended by the structural integrity reserve study. Any design professional as defined in s. 558.002 or contractor



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licensed under chapter 489 who submits a bid to the association for performing any services recommended by the structural integrity reserve study may not have an interest, directly or indirectly, in the firm or entity providing the association's structural integrity reserve study or be a relative of any person having a direct or indirect interest in such firm, unless such relationship is disclosed to the association in writing. As used in this section, the term "relative" means a relative within the third degree of consanguinity by blood or marriage. A contract for services is voidable and terminates upon the association filing a written notice terminating the contract if the design professional or licensed contractor failed to provide the written disclosure of the relationship required under this paragraph. A design professional or licensed contractor may be subject to discipline under the applicable practice act for his or her profession for failure to provide the written disclosure of the relationship required under this subparagraph.

4.a.3. At a minimum, a structural integrity reserve study must identify each item of the cooperative property being visually inspected, state the estimated remaining useful life and the estimated replacement cost or deferred maintenance expense of each item of the cooperative property being visually inspected, and provide a reserve funding schedule with a recommended annual reserve amount that achieves the estimated replacement cost or deferred maintenance expense of each item of cooperative property being visually inspected by the end of the estimated remaining useful life of the item. The structural integrity reserve study may recommend that reserves do not need to be maintained for any item for which an estimate of useful



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life and an estimate of replacement cost cannot be determined, or the study may recommend a deferred maintenance expense amount for such item. At a minimum, the structural integrity reserve study must include a recommendation for a reserve funding schedule based on a baseline funding plan that provides a reserve funding goal in which the reserve funding for each budget year is sufficient to maintain the reserve cash balance above zero. The study may recommend other types of reserve funding schedules, provided that each recommended schedule is sufficient to meet the association's maintenance obligation.

b. The structural integrity reserve study may recommend that reserves for replacement costs do not need to be maintained for any item with an estimated remaining useful life of greater than 25 years, but the study may recommend a deferred maintenance expense amount for such item. If the structural integrity reserve study recommends reserves for any item for which reserves are not required under this paragraph, the amount of the recommended reserves for such item must be separately identified in the structural integrity reserve study as an item for which reserves are not required under this paragraph.

c. The structural integrity reserve study must take into consideration the funding method or methods used by the association to fund its maintenance and reserve funding obligations through regular assessments, special assessments, lines of credit, or loans. If the structural integrity reserve study is performed before the association has approved a special assessment or secured a line of credit or a loan, the structural integrity reserve study must be updated to reflect the funding method selected by the association and its effect on the reserve



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funding schedule, including any anticipated change in the amount of regular assessments. The structural integrity reserve study may be updated to reflect any changes to the useful life of the reserve items after such items are repaired or replaced, and the effect such repair or replacement will have on the reserve funding schedule. The association must obtain an updated structural integrity reserve study before adopting any budget in which the reserve funding from regular assessments, special assessments, lines of credit, or loans do not align with the funding plan from the most recent version of the structural integrity reserve study.

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

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

7.6. Associations existing on or before July 1, 2022, which are controlled by unit owners other than the developer, must have a structural integrity reserve study completed by December 31, 2024, for each building on the cooperative property that is three stories or higher in height. An association that is required to complete a milestone inspection on or before



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December 31, 2026, in accordance with s. 553.899 may complete the structural integrity reserve study simultaneously with the milestone inspection. In no event may the structural integrity reserve study be completed after December 31, 2026.

~~8.7.~~ If the milestone inspection required by s. 553.899, or an inspection completed for a similar local requirement, was performed within the past 5 years and meets the requirements of this paragraph, such inspection may be used in place of the visual inspection portion of the structural integrity reserve study.

9. If the association completes a milestone inspection required by s. 553.899, or an inspection completed for a similar local requirement, the association may delay performance of a required structural integrity reserve study for no more than the 2 consecutive budget years immediately following the milestone inspection in order to allow the association to focus its financial resources on completing the repair and maintenance recommendations of the milestone inspection.

~~10.8.~~ If the officers or directors of an association willfully and knowingly fail to complete a structural integrity reserve study pursuant to this paragraph, such failure is a breach of an officer's and director's fiduciary relationship to the unit owners under s. 719.104(9). An officer or a director of the association must sign an affidavit acknowledging receipt of the completed structural integrity reserve study.

~~11.9.~~ Within 45 days after receiving the structural integrity reserve study, the association must distribute a copy of the study to each unit owner or deliver to each unit owner a notice that the completed study is available for inspection and



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copying upon a written request. Distribution of a copy of the study or notice must be made by United States mail or personal delivery at the mailing address, property address, or any other address of the owner provided to fulfill the association's notice requirements under this chapter, or by electronic transmission to the e-mail address or facsimile number provided to fulfill the association's notice requirements to unit owners who previously consented to receive notice by electronic transmission.

~~12.10.~~ Within 45 days after receiving the structural integrity reserve study, the association must provide the division with a statement indicating that the study was completed and that the association provided or made available such study to each unit owner in accordance with this section. Such statement must be provided to the division in the manner established by the division using a form posted on the division's website.

13. The division shall adopt by rule the form for the structural integrity reserve study in coordination with the Florida Building Commission.

Section 14. Subsection (3) of section 719.501, Florida Statutes, is amended, paragraph (c) is added to subsection (2) of that section, and subsection (1) of that section is reenacted, to read:

719.501 Powers and duties of Division of Florida Condominiums, Timeshares, and Mobile Homes.—

(1) The Division of Florida Condominiums, Timeshares, and Mobile Homes of the Department of Business and Professional Regulation, referred to as the "division" in this part, in



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addition to other powers and duties prescribed by chapter 718, has the power to enforce and ensure compliance with this chapter and adopted rules relating to the development, construction, sale, lease, ownership, operation, and management of residential cooperative units; complaints related to the procedural completion of the structural integrity reserve studies under s. 719.106(1)(k); and complaints related to the procedural completion of milestone inspections under s. 553.899. In performing its duties, the division shall have the following powers and duties:

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

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

(c) For the purpose of any investigation under this chapter, the division director or any officer or employee designated by the division director may administer oaths or affirmations, subpoena witnesses and compel their attendance, take evidence, and require the production of any matter which is relevant to the investigation, including the existence, description, nature, custody, condition, and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of relevant facts or any other matter reasonably calculated to lead to the discovery of



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material evidence. Upon failure by a person to obey a subpoena or to answer questions propounded by the investigating officer and upon reasonable notice to all persons affected thereby, the division may apply to the circuit court for an order compelling compliance.

(d) Notwithstanding any remedies available to unit owners and associations, if the division has reasonable cause to believe that a violation of any provision of this chapter or related rule has occurred, the division may institute enforcement proceedings in its own name against a developer, association, officer, or member of the board, or its assignees or agents, as follows:

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

2. The division may issue an order requiring the developer, association, officer, or member of the board, or its assignees or agents, to cease and desist from the unlawful practice and take such affirmative action as in the judgment of the division will carry out the purposes of this chapter. Such affirmative action may include, but is not limited to, an order requiring a developer to pay moneys determined to be owed to a condominium association.

3. The division may bring an action in circuit court on behalf of a class of unit owners, lessees, or purchasers for declaratory relief, injunctive relief, or restitution.

4. The division may impose a civil penalty against a



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3173 developer or association, or its assignees or agents, for any
3174 violation of this chapter or related rule. The division may
3175 impose a civil penalty individually against any officer or board
3176 member who willfully and knowingly violates a provision of this
3177 chapter, a rule adopted pursuant to this chapter, or a final
3178 order of the division. The term "willfully and knowingly" means
3179 that the division informed the officer or board member that his
3180 or her action or intended action violates this chapter, a rule
3181 adopted under this chapter, or a final order of the division,
3182 and that the officer or board member refused to comply with the
3183 requirements of this chapter, a rule adopted under this chapter,
3184 or a final order of the division. The division, prior to
3185 initiating formal agency action under chapter 120, shall afford
3186 the officer or board member an opportunity to voluntarily comply
3187 with this chapter, a rule adopted under this chapter, or a final
3188 order of the division. An officer or board member who complies
3189 within 10 days is not subject to a civil penalty. A penalty may
3190 be imposed on the basis of each day of continuing violation, but
3191 in no event shall the penalty for any offense exceed \$5,000. The
3192 division shall adopt~~7~~ by rule~~7~~ penalty guidelines applicable to
3193 possible violations or to categories of violations of this
3194 chapter or rules adopted by the division. The guidelines must
3195 specify a meaningful range of civil penalties for each such
3196 violation of the statute and rules and must be based upon the
3197 harm caused by the violation, upon the repetition of the
3198 violation, and upon such other factors deemed relevant by the
3199 division. For example, the division may consider whether the
3200 violations were committed by a developer or owner-controlled
3201 association, the size of the association, and other factors. The



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guidelines must designate the possible mitigating or aggravating circumstances that justify a departure from the range of penalties provided by the rules. It is the legislative intent that minor violations be distinguished from those which endanger the health, safety, or welfare of the cooperative residents or other persons and that such guidelines provide reasonable and meaningful notice to the public of likely penalties that may be imposed for proscribed conduct. This subsection does not limit the ability of the division to informally dispose of administrative actions or complaints by stipulation, agreed settlement, or consent order. All amounts collected shall be deposited with the Chief Financial Officer to the credit of the Division of Florida Condominiums, Timeshares, and Mobile Homes Trust Fund. If a developer fails to pay the civil penalty, the division shall thereupon issue an order directing that such developer cease and desist from further operation until such time as the civil penalty is paid or may pursue enforcement of the penalty in a court of competent jurisdiction. If an association fails to pay the civil penalty, the division shall thereupon pursue enforcement in a court of competent jurisdiction, and the order imposing the civil penalty or the cease and desist order shall not become effective until 20 days after the date of such order. Any action commenced by the division shall be brought in the county in which the division has its executive offices or in the county where the violation occurred.

(e) The division may prepare and disseminate a prospectus and other information to assist prospective owners, purchasers, lessees, and developers of residential cooperatives in assessing



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the rights, privileges, and duties pertaining thereto.

(f) The division has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement and enforce the provisions of this chapter.

(g) The division shall establish procedures for providing notice to an association when the division is considering the issuance of a declaratory statement with respect to the cooperative documents governing such cooperative community.

(h) The division shall furnish each association which pays the fees required by paragraph (2)(a) a copy of this act, subsequent changes to this act on an annual basis, an amended version of this act as it becomes available from the Secretary of State's office on a biennial basis, and the rules adopted thereto on an annual basis.

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

(j) The division shall adopt uniform accounting principles, policies, and standards to be used by all associations in the preparation and presentation of all financial statements required by this chapter. The principles, policies, and standards shall take into consideration the size of the association and the total revenue collected by the association.

(k) The division shall provide training and educational programs for cooperative association board members and unit owners. The training may, in the division's discretion, include web-based electronic media and live training and seminars in various locations throughout the state. The division may review



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and approve education and training programs for board members and unit owners offered by providers and shall maintain a current list of approved programs and providers and make such list available to board members and unit owners in a reasonable and cost-effective manner.

(l) The division shall maintain a toll-free telephone number accessible to cooperative unit owners.

(m) When a complaint is made to the division, the division shall conduct its inquiry with reasonable dispatch and with due regard to the interests of the affected parties. Within 30 days after receipt of a complaint, the division shall acknowledge the complaint in writing and notify the complainant whether the complaint is within the jurisdiction of the division and whether additional information is needed by the division from the complainant. The division shall conduct its investigation and shall, within 90 days after receipt of the original complaint or timely requested additional information, take action upon the complaint. However, the failure to complete the investigation within 90 days does not prevent the division from continuing the investigation, accepting or considering evidence obtained or received after 90 days, or taking administrative action if reasonable cause exists to believe that a violation of this chapter or a rule of the division has occurred. If an investigation is not completed within the time limits established in this paragraph, the division shall, on a monthly basis, notify the complainant in writing of the status of the investigation. When reporting its action to the complainant, the division shall inform the complainant of any right to a hearing pursuant to ss. 120.569 and 120.57.



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(n) The division shall develop a program to certify both volunteer and paid mediators to provide mediation of cooperative disputes. The division shall provide, upon request, a list of such mediators to any association, unit owner, or other participant in arbitration proceedings under s. 718.1255 requesting a copy of the list. The division shall include on the list of voluntary mediators only persons who have received at least 20 hours of training in mediation techniques or have mediated at least 20 disputes. In order to become initially certified by the division, paid mediators must be certified by the Supreme Court to mediate court cases in county or circuit courts. However, the division may adopt, by rule, additional factors for the certification of paid mediators, which factors must be related to experience, education, or background. Any person initially certified as a paid mediator by the division must, in order to continue to be certified, comply with the factors or requirements imposed by rules adopted by the division.

(2)

(c) A cooperative association shall create and maintain an online account with the division, as required in subsection (3).

(3) On or before October 1, 2025, all cooperative associations shall create and maintain an online account with the division and provide information requested by the division in an electronic format determined by the division. The division shall adopt rules to implement this subsection. The division may require cooperative associations to provide such information no more than once per year, except that the division may require cooperative associations to update their contact information in



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paragraph (a) within 30 days after any change. The division shall provide a cooperative association at least a 45-day notice of any requirement to provide any required information after the cooperative association creates an online account. The information that the division may require associations to provide is limited to:

(a) The contact information for the association that includes all of the following:

1. The name of the association.
2. The physical address of the cooperative property.
3. The mailing address and county of the association.
4. The e-mail address and telephone number for the association.
5. The name and board title for each member of the association's board.
6. The name and contact information of the association's community association manager or community association management firm, if applicable.
7. The hyperlink or website address of the association's website, if applicable.

(b) The total number of buildings and for each building in the association:

1. The total number of stories of each building, including both habitable and uninhabitable stories.
2. The total number of units.
3. The age of each building based on the certificate of occupancy.
4. Any construction commenced on the common elements within the previous calendar year.



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(c) The association's assessments, including the:

1. Amount of assessment or special assessment by unit type, including reserves.
2. Purpose of the assessment or special assessment.
3. Name of the financial institution or institutions with which the association maintains accounts.

(d) A copy of any structural integrity reserve study and any associated materials requested by the department. The association must provide such materials within 5 business days after such request, in a manner prescribed by the department.

~~(a) On or before January 1, 2023, cooperative associations existing on or before July 1, 2022, must provide the following information to the division in writing, by e-mail, United States Postal Service, commercial delivery service, or hand delivery, at a physical address or e-mail address provided by the division and on a form posted on the division's website:~~

- ~~1. The number of buildings on the cooperative property that are three stories or higher in height.~~
- ~~2. The total number of units in all such buildings.~~
- ~~3. The addresses of all such buildings.~~
- ~~4. The counties in which all such buildings are located.~~

~~(b) The division must compile a list of the number of buildings on cooperative property that are three stories or higher in height, which is searchable by county, and must post the list on the division's website. This list must include all of the following information:~~

- ~~1. The name of each association with buildings on the cooperative property that are three stories or higher in height.~~
- ~~2. The number of such buildings on each association's~~



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~~property.~~

~~3. The addresses of all such buildings.~~

~~4. The counties in which all such buildings are located.~~

~~(c) An association must provide an update in writing to the division if there are any changes to the information in the list under paragraph (b) within 6 months after the change.~~

Section 15. Paragraph (d) of subsection (1) and paragraphs (c) and (d) of subsection (2) of section 719.503, Florida Statutes, are amended, to read:

719.503 Disclosure prior to sale.—

(1) DEVELOPER DISCLOSURE.—

(d) Milestone inspection, turnover inspection report, or structural integrity reserve study.—If the association is required to have completed a milestone inspection as described in s. 553.899, a turnover inspection report for a turnover inspection performed on or after July 1, 2023, or a structural integrity reserve study, and the association has not completed the milestone inspection, the turnover inspection report, or the structural integrity reserve study, each contract entered into after December 31, 2024, for the sale of a residential unit shall contain in conspicuous type a statement indicating that the association is required to have a milestone inspection, a turnover inspection report, or a structural integrity reserve study and has not completed such inspection, report, or study, as appropriate. If the association is not required to have a milestone inspection as described in s. 553.899 or a structural integrity reserve study, each contract entered into after December 31, 2024, for the sale of a residential unit shall contain in conspicuous type a statement indicating that the



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association is not required to have a milestone inspection or a structural integrity reserve study, as appropriate. If the association has completed a milestone inspection as described in s. 553.899, a turnover inspection report for a turnover inspection performed on or after July 1, 2023, or a structural integrity reserve study, each contract entered into after December 31, 2024, for the sale of a residential unit shall contain in conspicuous type:

1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE INSPECTOR- PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION 719.301(4) (p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS 719.103(24) AND 719.106(1) (k), FLORIDA STATUTES, IF APPLICABLE, MORE THAN 15 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, BEFORE ~~PRIOR TO~~ EXECUTION OF THIS CONTRACT; and

2. A clause which states: THIS AGREEMENT IS VOIDABLE BY BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO CANCEL WITHIN 15 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE INSPECTOR- PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION 719.301(4) (p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY



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RESERVE STUDY DESCRIBED IN SECTIONS 719.103(24) AND 719.106(1)(k), FLORIDA STATUTES, IF APPLICABLE. ANY PURPORTED WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 15 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE BUYER RECEIVES A CURRENT COPY OF THE INSPECTOR-PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN SECTION 553.899, FLORIDA STATUTES; A COPY OF THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION 719.301(4)(p) AND (q), FLORIDA STATUTES; OR A COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS 719.103(24) AND 719.106(1)(k), FLORIDA STATUTES, IF REQUESTED IN WRITING. BUYER'S RIGHT TO VOID THIS AGREEMENT SHALL TERMINATE AT CLOSING.

A contract that does not conform to the requirements of this paragraph is voidable at the option of the purchaser before ~~prior to~~ closing.

(2) NONDEVELOPER DISCLOSURE.—

(c) Each contract entered into after July 1, 1992, for the resale of an interest in a cooperative shall contain in conspicuous type either:

1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE ARTICLES OF INCORPORATION OF THE ASSOCIATION, BYLAWS, RULES OF THE ASSOCIATION, AND THE QUESTION AND ANSWER SHEET MORE THAN 7 ~~3~~ DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, BEFORE ~~PRIOR TO~~ EXECUTION OF THIS CONTRACT; or

2. A clause which states: THIS AGREEMENT IS VOIDABLE BY



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BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO CANCEL WITHIN 7 ~~3~~ DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE ARTICLES OF INCORPORATION, BYLAWS, AND RULES OF THE ASSOCIATION, AND QUESTION AND ANSWER SHEET, IF SO REQUESTED IN WRITING. ANY PURPORTED WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 7 ~~3~~ DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE BUYER RECEIVES THE ARTICLES OF INCORPORATION, BYLAWS, RULES, AND QUESTION AND ANSWER SHEET, IF REQUESTED IN WRITING. BUYER'S RIGHT TO VOID THIS AGREEMENT SHALL TERMINATE AT CLOSING.

A contract that does not conform to the requirements of this paragraph is voidable at the option of the purchaser before ~~prior to~~ closing.

(d) If the association is required to have completed a milestone inspection as described in s. 553.899, a turnover inspection report for a turnover inspection performed on or after July 1, 2023, or a structural integrity reserve study, and the association has not completed the milestone inspection, the turnover inspection report, or the structural integrity reserve study, each contract entered into after December 31, 2024, for the sale of a residential unit shall contain in conspicuous type a statement indicating that the association is required to have a milestone inspection, a turnover inspection report, or a structural integrity reserve study and has not completed such inspection, report, or study, as appropriate. If the association



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is not required to have a milestone inspection as described in s. 553.899 or a structural integrity reserve study, each contract entered into after December 31, 2024, for the sale of a residential unit shall contain in conspicuous type a statement indicating that the association is not required to have a milestone inspection or a structural integrity reserve study, as appropriate. If the association has completed a milestone inspection as described in s. 553.899, a turnover inspection report for a turnover inspection performed on or after July 1, 2023, or a structural integrity reserve study, each contract entered into after December 31, 2024, for the resale of a residential unit shall contain in conspicuous type:

1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE INSPECTOR- PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION 719.301(4) (p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS 719.103(24) AND 719.106(1) (k), FLORIDA STATUTES, IF APPLICABLE, MORE THAN 7 ~~3~~ DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, BEFORE ~~PRIOR TO~~ EXECUTION OF THIS CONTRACT; and

2. A clause which states: THIS AGREEMENT IS VOIDABLE BY BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO CANCEL WITHIN 7 ~~3~~ DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE INSPECTOR- PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED



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IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION 719.301(4) (p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS 719.103(24) AND 719.106(1) (k), FLORIDA STATUTES, IF APPLICABLE. ANY PURPORTED WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 7 ~~3~~ DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE BUYER RECEIVES A CURRENT COPY OF THE INSPECTOR-PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN SECTION 553.899, FLORIDA STATUTES; A COPY OF THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION 719.301(4) (p) AND (q), FLORIDA STATUTES; OR A COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS 719.103(24) AND 719.106(1) (k), FLORIDA STATUTES, IF REQUESTED IN WRITING. BUYER'S RIGHT TO VOID THIS AGREEMENT SHALL TERMINATE AT CLOSING.

A contract that does not conform to the requirements of this paragraph is voidable at the option of the purchaser before ~~prior to~~ closing.

Section 16. Subsection (3) of section 914.21, Florida Statutes, is amended to read:

914.21 Definitions.—As used in ss. 914.22-914.24, the term:

(3) "Official investigation" means any investigation instituted by a law enforcement agency or prosecuting officer of the state or a political subdivision of the state or the Commission on Ethics or the Division of Florida Condominiums,



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Timeshares, and Mobile Homes of the Department of Business and Professional Regulation.

Section 17. For the 2025-2026 fiscal year, the recurring sum of \$150,000 and nonrecurring sum of \$100,000 are appropriated from the Professional Regulation Trust Fund to the Department of Business and Professional Regulation to contract with the University of Florida to implement s. 553.899(3)(f), Florida Statutes, as amended by this act. The unexpended balance of nonrecurring funds provided by this section shall revert and is appropriated for the same purpose for the 2026-2027 fiscal year.

Section 18. For the purpose of incorporating the amendment made by this act to section 468.4335, Florida Statutes, in a reference thereto, paragraph (b) of subsection (2) of section 468.436, Florida Statutes, is reenacted to read:

468.436 Disciplinary proceedings.—

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

(b)1. Violation of this part.

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

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

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

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

6. Contracting, on behalf of an association, with any



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entity in which the licensee has a financial interest that is not disclosed.

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

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

Section 19. For the purpose of incorporating the amendment made by this act to section 718.111, Florida Statutes, in a reference thereto, paragraph (e) of subsection (3) of section 721.13, Florida Statutes, is reenacted to read:

721.13 Management.—

(3) The duties of the managing entity include, but are not limited to:

(e) Arranging for an annual audit of the financial statements of the timeshare plan by a certified public accountant licensed by the Board of Accountancy of the Department of Business and Professional Regulation, in accordance with generally accepted auditing standards as defined by the rules of the Board of Accountancy of the Department of Business and Professional Regulation. The financial statements required by this section must be prepared on an accrual basis using fund accounting, and must be presented in accordance with generally accepted accounting principles. A copy of the audited financial statements must be filed with the division for review and forwarded to the board of directors and officers of the owners' association, if one exists, no later than 5 calendar months after the end of the timeshare plan's fiscal year. If no



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owners' association exists, each purchaser must be notified, no later than 5 months after the end of the timeshare plan's fiscal year, that a copy of the audited financial statements is available upon request to the managing entity. Notwithstanding any requirement of s. 718.111(13) or s. 719.104(4), the audited financial statements required by this section are the only annual financial reporting requirements for timeshare condominiums or timeshare cooperatives.

Section 20. For the purpose of incorporating the amendment made by this act to section 718.112, Florida Statutes, in references thereto, paragraph (a) of subsection (7) and paragraph (c) of subsection (21) of section 718.504, Florida Statutes, are reenacted to read:

718.504 Prospectus or offering circular.—Every developer of a residential condominium which contains more than 20 residential units, or which is part of a group of residential condominiums which will be served by property to be used in common by unit owners of more than 20 residential units, shall prepare a prospectus or offering circular and file it with the Division of Florida Condominiums, Timeshares, and Mobile Homes prior to entering into an enforceable contract of purchase and sale of any unit or lease of a unit for more than 5 years and shall furnish a copy of the prospectus or offering circular to each buyer. In addition to the prospectus or offering circular, each buyer shall be furnished a separate page entitled "Frequently Asked Questions and Answers," which shall be in accordance with a format approved by the division and a copy of the financial information required by s. 718.111. This page shall, in readable language, inform prospective purchasers



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regarding their voting rights and unit use restrictions, including restrictions on the leasing of a unit; shall indicate whether and in what amount the unit owners or the association is obligated to pay rent or land use fees for recreational or other commonly used facilities; shall contain a statement identifying that amount of assessment which, pursuant to the budget, would be levied upon each unit type, exclusive of any special assessments, and which shall further identify the basis upon which assessments are levied, whether monthly, quarterly, or otherwise; shall state and identify any court cases in which the association is currently a party of record in which the association may face liability in excess of \$100,000; shall state whether the condominium is created within a portion of a building or within a multiple parcel building; and which shall further state whether membership in a recreational facilities association is mandatory, and if so, shall identify the fees currently charged per unit type. The division shall by rule require such other disclosure as in its judgment will assist prospective purchasers. The prospectus or offering circular may include more than one condominium, although not all such units are being offered for sale as of the date of the prospectus or offering circular. The prospectus or offering circular must contain the following information:

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



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

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

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

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

1. Expenses for the association and condominium:
 - a. Administration of the association.
 - b. Management fees.
 - c. Maintenance.
 - d. Rent for recreational and other commonly used facilities.
 - e. Taxes upon association property.
 - f. Taxes upon leased areas.
 - g. Insurance.
 - h. Security provisions.
 - i. Other expenses.
 - j. Operating capital.



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

1. Fees payable to the division.

2. Expenses for a unit owner:

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

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

Section 21. For the purpose of incorporating the amendment made by this act to section 718.112, Florida Statutes, in references thereto, paragraph (d) of subsection (1) of section 718.618, Florida Statutes, is reenacted to read:

718.618 Converter reserve accounts; warranties.—

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

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



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arising under this section.

Section 22. For the purpose of incorporating the amendment made by this act to sections 718.111, 718.112, and 718.503, Florida Statutes, in references thereto, subsections (1) and (3) of section 718.706, Florida Statutes, are reenacted to read:

718.706 Specific provisions pertaining to offering of units by a bulk assignee or bulk buyer.—

(1) Before offering more than seven units in a single condominium for sale or for lease for a term exceeding 5 years, a bulk assignee or a bulk buyer must file the following documents with the division and provide such documents to a prospective purchaser or tenant:

(a) An updated prospectus or offering circular, or a supplement to the prospectus or offering circular, filed by the original developer prepared in accordance with s. 718.504, which must include the form of contract for sale and for lease in compliance with s. 718.503(2);

(b) An updated Frequently Asked Questions and Answers sheet;

(c) The executed escrow agreement if required under s. 718.202; and

(d) The financial information required by s. 718.111(13). However, if a financial information report did not exist before the acquisition of title by the bulk assignee or bulk buyer, and if accounting records that permit preparation of the required financial information report for that period cannot be obtained despite good faith efforts by the bulk assignee or the bulk buyer, the bulk assignee or bulk buyer is excused from the requirement of this paragraph. However, the bulk assignee or



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bulk buyer must include in the purchase contract the following statement in conspicuous type:

ALL OR A PORTION OF THE FINANCIAL INFORMATION REPORT
REQUIRED UNDER S. 718.111(13) FOR THE TIME PERIOD
BEFORE THE SELLER'S ACQUISITION OF THE UNIT IS NOT
AVAILABLE OR CANNOT BE OBTAINED DESPITE THE GOOD FAITH
EFFORTS OF THE SELLER.

(3) A bulk assignee, while in control of the board of administration of the association, may not authorize, on behalf of the association:

(a) The waiver of reserves or the reduction of funding of the reserves pursuant to s. 718.112(2)(f)2., unless approved by a majority of the voting interests not controlled by the developer, bulk assignee, and bulk buyer; or

(b) The use of reserve expenditures for other purposes pursuant to s. 718.112(2)(f)3., unless approved by a majority of the voting interests not controlled by the developer, bulk assignee, and bulk buyer.

Section 23. For the purpose of incorporating the amendment made by this act to section 719.106, Florida Statutes, in a reference thereto, subsection (24) of section 719.103, Florida Statutes, is reenacted to read:

719.103 Definitions.—As used in this chapter:

(24) "Structural integrity reserve study" means a study of the reserve funds required for future major repairs and replacement of the cooperative property performed as required under s. 719.106(1)(k).



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Section 24. For the purpose of incorporating the amendment made by this act to section 719.106, Florida Statutes, in references thereto, paragraph (a) of subsection (7) and paragraph (c) of subsection (20) of section 719.504, Florida Statutes, are reenacted to read:

719.504 Prospectus or offering circular.—Every developer of a residential cooperative which contains more than 20 residential units, or which is part of a group of residential cooperatives which will be served by property to be used in common by unit owners of more than 20 residential units, shall prepare a prospectus or offering circular and file it with the Division of Florida Condominiums, Timeshares, and Mobile Homes prior to entering into an enforceable contract of purchase and sale of any unit or lease of a unit for more than 5 years and shall furnish a copy of the prospectus or offering circular to each buyer. In addition to the prospectus or offering circular, each buyer shall be furnished a separate page entitled "Frequently Asked Questions and Answers," which must be in accordance with a format approved by the division. This page must, in readable language: inform prospective purchasers regarding their voting rights and unit use restrictions, including restrictions on the leasing of a unit; indicate whether and in what amount the unit owners or the association is obligated to pay rent or land use fees for recreational or other commonly used facilities; contain a statement identifying that amount of assessment which, pursuant to the budget, would be levied upon each unit type, exclusive of any special assessments, and which identifies the basis upon which assessments are levied, whether monthly, quarterly, or



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otherwise; state and identify any court cases in which the association is currently a party of record in which the association may face liability in excess of \$100,000; and state whether membership in a recreational facilities association is mandatory and, if so, identify the fees currently charged per unit type. The division shall by rule require such other disclosure as in its judgment will assist prospective purchasers. The prospectus or offering circular may include more than one cooperative, although not all such units are being offered for sale as of the date of the prospectus or offering circular. The prospectus or offering circular must contain the following information:

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

(a) Each building and facility committed to be built and a summary description of the structural integrity of each building for which reserves are required pursuant to s. 719.106(1)(k).

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

(20) An estimated operating budget for the cooperative and the association, and a schedule of the unit owner's expenses shall be attached as an exhibit and shall contain the following information:



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

1. Expenses for the association and cooperative:

- a. Administration of the association.
- b. Management fees.
- c. Maintenance.
- d. Rent for recreational and other commonly used areas.
- e. Taxes upon association property.
- f. Taxes upon leased areas.
- g. Insurance.
- h. Security provisions.
- i. Other expenses.
- j. Operating capital.
- k. Reserves for all applicable items referenced in s.

719.106(1)(k).

1. Fee payable to the division.

2. Expenses for a unit owner:

- a. Rent for the unit, if subject to a lease.
- b. Rent payable by the unit owner directly to the lessor or agent under any recreational lease or lease for the use of commonly used areas, which use and payment are a mandatory condition of ownership and are not included in the common expense or assessments for common maintenance paid by the unit owners to the association.

Section 25. Except as otherwise provided in this act, this



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act shall take effect July 1, 2025.

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

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled
An act relating to condominium and cooperative
associations; amending s. 468.432, F.S.; prohibiting a
person whose community association manager license is
revoked from having an indirect or direct ownership
interest in, or being an employee, a partner, an
officer, a director, or a trustee of, a community
association management firm for a specified timeframe;
requiring a licensee to create and maintain an online
licensure account with the Department of Business and
Professional Regulation; requiring a community
association manager to identify on his or her online
licensure account certain information; requiring a
licensee to provide specific information on his or her
online licensure account; requiring that such
information be updated within a specified timeframe;
requiring a community association management firm to
identify on its online licensure account the community
association managers that it employs to provide
community association management services; requiring
the department to give written notice to the community
association management firm and the community
association if the community association manager has



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3898 his or her license suspended or revoked; amending s.
3899 468.4334, F.S.; prohibiting a community association
3900 manager or a community association management firm
3901 from knowingly performing any act directed by the
3902 community association if such act violates any state
3903 or federal law; revising the contractual obligations a
3904 community association manager or a community
3905 association management firm has with the association
3906 board; requiring that such contract include a certain
3907 statement, if applicable to the type of management
3908 services provided in the contract; prohibiting such
3909 contracts from waiving or limiting certain
3910 professional practice standards; requiring a community
3911 association to include specified information on its
3912 website or mobile application, if such association is
3913 required to maintain official records on a website or
3914 an application; conforming provisions to changes made
3915 by the act; amending s. 468.4335, F.S.; revising what
3916 constitutes a rebuttable presumption of a conflict of
3917 interest with a community association manager or a
3918 community association management firm; defining the
3919 term "compensation"; requiring an association to
3920 solicit multiple bids from other third-party providers
3921 if a bid that exceeds a specified amount is or may
3922 reasonably be construed to be a conflict of interest;
3923 providing applicability; deleting a requirement that
3924 all contracts and transactional documents related to a
3925 proposed activity that is a conflict of interest be
3926 attached to the meeting agenda of the next board of



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3927 administration meeting; requiring the notice of the
3928 board meeting to include certain information about the
3929 proposed activity that is a conflict of interest;
3930 deleting a requirement that the proposed activity be
3931 disclosed at the next regular or special meeting of
3932 the members; providing that a contract is voidable if
3933 certain findings are made; providing specifications
3934 for terminating a contract; making technical changes;
3935 amending s. 553.899, F.S.; requiring the local
3936 enforcement agency responsible for milestone
3937 inspections to provide to the Department of Business
3938 and Professional Regulation certain information in an
3939 electronic format; specifying the information to be
3940 provided to the department; requiring the department
3941 to contract with the University of Florida for the
3942 creation of a report that provides certain information
3943 on milestone inspections during a specified timeframe;
3944 requiring a local enforcement agency to provide the
3945 university with certain information; authorizing the
3946 university to request any additional information from
3947 a local enforcement agency required to complete the
3948 report; requiring the university to compile the report
3949 and the department to transmit the report to the
3950 Governor and the Legislature; requiring, rather than
3951 authorizing, the board of county commissioners or a
3952 municipal governing body to adopt a specified
3953 ordinance; requiring specified professionals who bid
3954 to perform a structural integrity reserve study to
3955 disclose to the association in writing their intent to



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3956 bid on services related to any maintenance, repair, or
3957 replacement that may be recommended by the structural
3958 integrity reserve study; prohibiting such
3959 professionals from having any interest in or being
3960 related to any person having any interest in the firm
3961 or entity providing the association's structural
3962 integrity reserve study unless such relationship is
3963 disclosed in writing; defining the term "relative";
3964 providing that a contract for services is voidable and
3965 terminates upon the association filing a written
3966 notice terminating such a contract if such
3967 professionals fail to provide a written disclosure of
3968 such relationship with the firm conducting the
3969 structural integrity reserve study; providing that
3970 such professionals may be subject to discipline for
3971 failure to provide such written disclosure; amending
3972 s. 718.103, F.S.; revising the definition of the term
3973 "alternative funding method"; defining the term "video
3974 conference"; amending s. 718.111, F.S.; requiring a
3975 community association manager or a community
3976 association management firm that contracts with a
3977 community association to possess specific licenses;
3978 providing that all board members or officers of a
3979 community association that contracts with a community
3980 association manager or a community association
3981 management firm have a duty to ensure that the
3982 community association manager or community association
3983 management firm is properly licensed before entering
3984 into a contract; authorizing a community association



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3985 to terminate a contract with a community association
3986 manager or a community association management firm if
3987 the manager's or management firm's license is
3988 suspended or revoked during the term of the contract;
3989 providing that a community association may terminate a
3990 contract with a community association management firm
3991 if such firm has its license suspended or revoked,
3992 effective upon the date of the license suspension or
3993 revocation; requiring every condominium association to
3994 have adequate property insurance; deleting specified
3995 required coverage; providing that the amount of
3996 adequate insurance coverage may be based on the
3997 replacement cost of the property to be insured, as
3998 determined by an independent insurance appraisal or
3999 previous appraisal; requiring that such replacement
4000 cost be determined according to a specified timeframe;
4001 providing that an association's obligation to obtain
4002 and provide adequate property insurance may be
4003 satisfied by obtaining and maintaining insurance
4004 coverage sufficient to cover a specified amount;
4005 revising which items constitute the official records
4006 of the association; requiring that certain documents
4007 be posted on certain associations' websites or made
4008 available for download through an application on a
4009 mobile device within a specified timeframe; revising
4010 which documents must be posted in digital format on
4011 the association's website or application; revising the
4012 timeframe in which the association must deliver a copy
4013 of the most recent financial report or a notice that a



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4014 copy of the most recent financial report; revising the
4015 methods of delivery for a copy of the most recent
4016 association financial report to include electronic
4017 delivery via the Internet; requiring that an officer
4018 or a director execute an affidavit as evidence of
4019 compliance with the delivery requirement; revising how
4020 financial reports are prepared; requiring an
4021 association board to use best efforts to make prudent
4022 investment decisions in fulfilling its duty to manage
4023 operating and reserve funds of the association;
4024 authorizing an association, including a
4025 multicondominium association, to invest reserve funds
4026 in specified financial institutions; authorizing such
4027 associations to place reserve funds in other
4028 investments upon a majority vote of the voting
4029 interests of the association; providing restrictions;
4030 prohibiting any funds not identified as reserve funds
4031 from being used for investments; requiring a board to
4032 create an investment committee composed of a specified
4033 minimum number of board members; requiring the board
4034 to adopt rules; requiring that all meetings of the
4035 investment committee be recorded and made part of the
4036 official records of the association; requiring that
4037 the investment policy statement developed pursuant to
4038 certain provisions address specified issues; requiring
4039 the investment committee to recommend investment
4040 advisers to the board; requiring the board to select
4041 one of the recommended investment advisers to provide
4042 services to the association; requiring that such



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4043 advisers be registered; prohibiting an investment
4044 adviser from being related to any board member,
4045 community management company, reserve study provider,
4046 or co-owner of a unit with a board member or
4047 investment committee member; requiring investment
4048 advisers to comply with the prudent investor rule;
4049 requiring an adviser to act as a fiduciary to the
4050 association; providing that the investment and
4051 fiduciary standards required by the act take
4052 precedence over any conflicting law; requiring the
4053 investment committee to recommend a replacement
4054 adviser if the committee determines that an investment
4055 adviser is not meeting requirements; requiring the
4056 association to provide the investment adviser with
4057 specified financial information at least once each
4058 calendar year, or sooner if a substantial financial
4059 obligation of the association becomes known to the
4060 board; requiring the investment adviser to annually
4061 review such financial information and provide the
4062 association with a portfolio allocation model that is
4063 suitably structured and prudently designed to match
4064 projected annual reserve fund requirements and
4065 liability, assets, and liquidity requirements;
4066 requiring the investment adviser to prepare a funding
4067 projection for each reserve component, including any
4068 of the component's redundancies; requiring that a
4069 specified minimum timeframe of projected reserves in
4070 cash or cash equivalents be available to the
4071 association; authorizing a portfolio managed by an



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4072 investment adviser to contain any type of investment
4073 necessary to meet the objectives in the investment
4074 policy statement; providing exceptions; requiring that
4075 any funds invested by the investment adviser be held
4076 in third-party custodial accounts that are subject to
4077 insurance coverage by the Securities Investor
4078 Protection Corporation in an amount equal to or
4079 greater than the invested amount; authorizing the
4080 investment adviser to withdraw investment fees,
4081 expenses, and commissions from invested funds;
4082 requiring the investment adviser to annually provide
4083 the association with a written certification of
4084 compliance with certain provisions and provide the
4085 association with a list of certain stocks, securities,
4086 and other obligations; requiring the investment
4087 adviser to submit monthly, quarterly, and annual
4088 reports to the association, prepared in accordance
4089 with established financial industry standards;
4090 requiring that any principal, earnings, or interest
4091 managed be available to the association at no cost
4092 within a specified timeframe after the association's
4093 written or electronic request; requiring that
4094 unallocated income earned on reserve fund investments
4095 be spent only on specified expenditures; amending s.
4096 718.112, F.S.; authorizing an association board
4097 meeting to be conducted in person or by video
4098 conference; requiring the Division of Florida
4099 Condominiums, Timeshares, and Mobile Homes to adopt
4100 rules; requiring that notice for board meetings



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4101 conducted via video conference contain specific
4102 information; requiring that such meetings be recorded
4103 and maintained as an official record of the
4104 association; revising how notice may be sent to unit
4105 owners; revising the distance from the condominium
4106 property within which a unit owner meeting must be
4107 held; authorizing a unit owner to vote electronically
4108 if the unit owner meeting is conducted via video
4109 conference; authorizing unit owner meetings to be
4110 conducted in person or via video conference;
4111 specifying what constitutes a quorum for meetings held
4112 via video conference; requiring that the location of
4113 the meeting be provided in the association bylaws or
4114 within a specified distance from, or within the same
4115 county of, the condominium property if the bylaws are
4116 silent as to the location; requiring that meetings
4117 held via video conference be recorded and be
4118 maintained as an official record of the association;
4119 requiring the division to adopt rules; revising the
4120 method of serving notices of unit owner meetings;
4121 authorizing budget meetings to be conducted via video
4122 conference; requiring the division to adopt rules;
4123 requiring that a sound transmitting device be used at
4124 such meetings for a specified purpose; revising a
4125 provision that a board proposing a budget that
4126 requires a certain special assessment against unit
4127 owners to simultaneously propose a substitute budget
4128 that meets certain requirements, rather than conduct a
4129 special meeting of the unit owners to consider a



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4130 substitute budget after the adoption of the annual
4131 budget; requiring unit owners, rather than authorizing
4132 them, to consider a substitute budget; authorizing the
4133 annual budget initially proposed to be adopted by the
4134 board; revising the criteria used in determining
4135 whether assessments exceed the specified percentage of
4136 assessments of the previous fiscal year; revising the
4137 threshold for deferred maintenance expenses or
4138 replacements in reserve accounts; authorizing the
4139 members to vote to waive the maintenance of reserves
4140 recommended in the most recent structural integrity
4141 reserve study under certain circumstances; revising
4142 the provision that any association, rather than an
4143 association operating a multicondominium, may
4144 determine to provide no reserves or less reserves than
4145 required if an alternative funding method is used by
4146 the association; deleting the requirement that the
4147 division approve the funding method; providing that
4148 specified reserves may be funded by regular
4149 assessments, special assessments, lines of credit, or
4150 loans under certain circumstances; authorizing a unit-
4151 owner-controlled association that is required to have
4152 a structural reserve study to obtain a line of credit
4153 or a loan to fund capital expenses required by a
4154 milestone inspection or a structural integrity reserve
4155 study; requiring that such line of credit or loan be
4156 approved by a majority of the total voting interests
4157 of the association; requiring that such line of credit
4158 or loan be sufficient to fund the cumulative amount of



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4159 any previously waived or unfunded portions of the
4160 reserve funding amount and the most recent structural
4161 integrity reserve study; requiring that funding from
4162 the line of credit or loan be immediately available
4163 for access by the board for a specified purpose;
4164 requiring that such lines of credit or loans be
4165 included in the association's financial report;
4166 providing applicability; deleting a requirement that
4167 the majority of the members must approve of the board
4168 pausing contributions to the association's reserves
4169 for a specified purpose; authorizing the board to
4170 temporarily pause reserve fund contributions or reduce
4171 the amount of reserve funding for a specified purpose
4172 for a budget adopted on or before a specified date if
4173 the association has completed a milestone inspection
4174 within a specified timeframe and such inspection
4175 recommended certain repairs; requiring that such
4176 temporary pause or reduction be approved by a majority
4177 of the total voting interests of the association;
4178 providing applicability; requiring associations that
4179 have paused or reduced their reserve funding to have a
4180 structural integrity reserve study performed before
4181 the continuation of reserve contributions for
4182 specified purposes; providing that a vote of the
4183 members is not required for the board to change the
4184 accounting method for reserves to specified accounting
4185 methods; requiring the division to annually adjust for
4186 inflation the minimum threshold amount for required
4187 reserves, based on specified criteria; requiring the



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division, by a specified date and annually thereafter, to conspicuously post on its website the inflation-adjusted minimum threshold amount for required reserves; revising the items to be included in a structural integrity reserve study; requiring specified design professionals or contractors who bid to perform a structural integrity reserve study to disclose in writing to the association their intent to bid on any services related to the maintenance, repair, or replacement that may be recommended by the structural integrity reserve study; prohibiting such professionals or contractors from having any interest in or being related to any person having any interest in the firm or entity providing the association's structural integrity reserve study unless such relationship is disclosed in writing; defining the term "relative"; providing that a contract for services is voidable and terminates upon the association filing a written notice terminating such a contract if such professional or contractor fails to provide a written disclosure of such relationship with the firm conducting the structural integrity reserve study; providing that such professional or contractor may be subject to discipline for his or her failure to provide such written disclosure; requiring that a structural integrity reserve study include a recommendation for a reserve funding schedule based on specified criteria; authorizing the study to recommend other types of reserve funding schedules, provided



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4217 each recommended schedule is sufficient to meet the
4218 association's maintenance obligations; requiring that
4219 reserves not required for certain items be separately
4220 identified as such in the structural integrity reserve
4221 study; requiring the structural integrity reserve
4222 study to take into consideration the funding method or
4223 methods used by the association to fund its
4224 maintenance and reserve funding obligations through
4225 regular assessments, special assessments, loans, or
4226 lines of credit; requiring a structural integrity
4227 reserve study that has been performed before the
4228 approval of a special assessment or the securing of a
4229 line of credit or a loan to be updated to reflect
4230 certain information regarding the reserve funding
4231 schedule; authorizing a structural integrity reserve
4232 study to be updated to reflect changes in the useful
4233 life of the reserve items after such items are
4234 repaired or replaced, and the effect of such repair or
4235 replacement will have on the reserve funding schedule;
4236 requiring an association to obtain an updated
4237 structural integrity reserve study before adopting any
4238 budget in which the reserve funding from regular
4239 assessments, special assessments, loans, or lines of
4240 credit do not align with the funding plan of the most
4241 recent version of the structural integrity reserve
4242 study; authorizing an association to delay a required
4243 structural integrity reserve study for a specified
4244 timeframe if it has completed a milestone inspection
4245 or similar inspection, for a specified purpose;



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4246 requiring an officer or director of an association to
4247 sign an affidavit acknowledging receipt of the
4248 completed structural integrity reserve study;
4249 requiring the division to adopt rules for the form for
4250 the structural integrity reserve study in coordination
4251 with the Florida Building Commission; making technical
4252 changes; amending s. 718.501, F.S.; revising the
4253 duties of the Division of Florida Condominiums,
4254 Timeshares, and Mobile Homes regarding investigation
4255 of complaints; requiring condominium associations to
4256 create and maintain an online account with the
4257 division; requiring board members to maintain accurate
4258 contact information on file with the division;
4259 requiring the division to adopt rules; requiring all
4260 condominium associations to create and maintain an
4261 online account with the division; requiring all
4262 condominium associations to provide specified
4263 information to the division by a specified date;
4264 requiring that such information be updated within a
4265 specified timeframe; requiring the division to adopt
4266 rules; authorizing the division to require condominium
4267 associations to provide information to the division;
4268 specifying the information to be provided to the
4269 division; amending s. 718.503, F.S.; revising the
4270 disclosures that must be included in a contract for
4271 the sale and resale of a residential unit; amending s.
4272 8 of chapter 2024-244, Laws of Florida, as amended;
4273 revising the documents required to be posted on
4274 certain associations' websites or be made available



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4275 through download using an application on a mobile
4276 device; amending s. 31 of chapter 2024-244, Laws of
4277 Florida; revising applicability; amending s. 719.104,
4278 F.S.; requiring a board to use best efforts to make
4279 prudent investment decisions in fulfilling its duty to
4280 manage operating and reserve funds of the cooperative
4281 association; authorizing an association to invest
4282 reserve funds in specified financial institutions;
4283 authorizing such associations to place reserve funds
4284 in other investments upon a majority vote of the
4285 voting interests of the association; providing
4286 restrictions; prohibiting any funds not identified as
4287 reserve funds from being used for investments;
4288 providing applicability; requiring a board to create
4289 an investment committee composed of a specified
4290 minimum number of board members; requiring the board
4291 to adopt rules; requiring that all meetings of the
4292 investment committee be recorded and made part of the
4293 official records of the association; requiring that
4294 the investment policy statement developed pursuant to
4295 certain provisions address specified issues; requiring
4296 the investment committee to recommend investment
4297 advisers to the board; requiring the board to select
4298 one of the recommended investment advisers to provide
4299 services to the association; requiring such advisers
4300 to be registered; prohibiting an investment adviser
4301 from being related to any board member, community
4302 management company, reserve study provider, or co-
4303 owner of a unit with a board member or investment



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4304 committee member; requiring investment advisers to
4305 comply with the prudent investor rule; requiring an
4306 adviser to act as a fiduciary to the association;
4307 providing that the investment and fiduciary standards
4308 required by the act take precedence over any
4309 conflicting law; requiring the investment committee to
4310 recommend a replacement adviser if the committee
4311 determines that an investment adviser is not meeting
4312 requirements; requiring the association to provide the
4313 investment adviser with specified financial
4314 information at least once each calendar year, or
4315 sooner if a substantial financial obligation of the
4316 association becomes known to the board; requiring the
4317 investment adviser to annually review such financial
4318 information and provide the association with a
4319 portfolio allocation model that is suitably structured
4320 and prudently designed to match projected annual
4321 reserve fund requirements and liability, assets, and
4322 liquidity requirements; requiring the investment
4323 adviser to prepare a funding projection for each
4324 reserve component, including any of the component's
4325 redundancies; requiring that a specified minimum
4326 timeframe of projected reserves in cash or cash
4327 equivalents be available to the association;
4328 authorizing a portfolio managed by an investment
4329 adviser to contain any type of investment necessary to
4330 meet the objectives in the investment policy
4331 statement; providing exceptions; requiring that any
4332 funds invested by the investment adviser be held in



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4333 third-party custodial accounts that are subject to
4334 insurance coverage by the Securities Investor
4335 Protection Corporation in an amount equal to or
4336 greater than the invested amount; authorizing the
4337 investment adviser to withdraw investment fees,
4338 expenses, and commissions from invested funds;
4339 requiring the investment adviser to annually provide
4340 the association with a written certification of
4341 compliance with certain provisions and provide the
4342 association with a list of certain stocks, securities,
4343 and other obligations; requiring the investment
4344 adviser to submit monthly, quarterly, and annual
4345 reports to the association, prepared in accordance
4346 with established financial industry standards;
4347 requiring that any principal, earnings, or interest
4348 managed be available to the association at no cost
4349 within a specified timeframe after the association's
4350 written or electronic request; requiring that
4351 unallocated income earned on reserve fund investments
4352 be spent only on specified expenditures; amending s.
4353 719.106, F.S.; revising the deferred maintenance
4354 expense or replacement costs threshold that must be in
4355 reserve accounts; authorizing the board to pause
4356 contributions to its reserves or reduce reserve
4357 funding if a local building official determines the
4358 entire cooperative building is uninhabitable due to a
4359 natural emergency; authorizing any reserve account
4360 fund held by the association to be expended to make
4361 the cooperative building and its structures habitable,



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pursuant to the board's determination; requiring the association to immediately resume contributing funds to its reserves once the local building official determines that the cooperative building is habitable; authorizing certain reserves be funded by regular assessments, special assessments, lines of credit, or loans under certain circumstances; authorizing a unit-owner-controlled association to obtain a line of credit or a loan to fund capital expenses required by a milestone inspection or a structural integrity reserve study; requiring that such lines of credit or loans be approved by a majority vote of the total voting interests of the association; requiring that such lines of credit or loans be sufficient to fund the cumulative amount of any previously waived or unfunded portion of the reserve funding amount and most recent structural integrity reserve study; requiring that funding from such lines of credit or loans be immediately available for access by the board for a specified purpose; authorizing the board to temporarily pause reserve fund contributions or reduce the amount of reserve funding for a specified purpose for a budget adopted on or before a specified date if the association has completed a milestone inspection within a specified timeframe; requiring that such temporary pause or reduction be approved by a majority of the total voting interests of the association; providing applicability; requiring associations that have paused or reduced their reserve funding



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4391 contributions to have a structural integrity reserve
4392 study performed before the continuation of reserve
4393 contributions for specified purposes; providing that a
4394 vote of the members is not required for the board to
4395 change the accounting method for reserves to specified
4396 accounting methods; requiring the division to annually
4397 adjust for inflation the minimum threshold amount for
4398 required reserves, based on specified criteria;
4399 requiring the division, by a specified date and
4400 annually thereafter, to conspicuously post on its
4401 website the inflation-adjusted minimum threshold
4402 amount for required reserves; requiring specified
4403 design professionals or contractors, rather than any
4404 person qualified to perform a structural integrity
4405 reserve study, to perform structural integrity reserve
4406 studies; requiring such design professionals or
4407 contractors who bid to perform a structural integrity
4408 reserve study to disclose in writing to the
4409 association their intent to bid on any services
4410 related to the maintenance, repair, or replacement
4411 that may be recommended by the structural integrity
4412 reserve study; prohibiting such professionals or
4413 contractors from having any interest in or being
4414 related to any person having any interest in the firm
4415 or entity providing the association's structural
4416 integrity reserve study unless such relationship is
4417 disclosed in writing; defining the term "relative";
4418 providing that a contract for services is voidable and
4419 terminates upon the association filing a written



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4420 notice terminating such a contract if such
4421 professional or contractor fails to provide a written
4422 disclosure of such relationship with the firm
4423 conducting the structural integrity reserve study;
4424 providing that such professional or contractor may be
4425 subject to discipline for his or her failure to
4426 provide such written disclosure; requiring that a
4427 structural integrity reserve study include a
4428 recommendation for a reserve funding schedule based on
4429 specified criteria; authorizing the study to recommend
4430 other types of reserve funding schedules, provided
4431 each recommended schedule is sufficient to meet the
4432 association's maintenance obligation; requiring that
4433 reserves not required for certain items be separately
4434 identified as such in the structural integrity reserve
4435 study; requiring the structural integrity reserve
4436 study to take into consideration the funding method or
4437 methods used by the association to fund its
4438 maintenance and reserve funding obligations through
4439 regular assessments, special assessments, lines of
4440 credit, or loans; requiring a structural integrity
4441 reserve study that has been performed before the
4442 approval of a special assessment or the securing of a
4443 line of credit or a loan to be updated to reflect
4444 certain information regarding the reserve funding
4445 schedule; authorizing a structural integrity reserve
4446 study to be updated to reflect changes in the useful
4447 life of the reserve items after such items are
4448 repaired or replaced, and the effect of such repair or



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4449 replacement will have on the reserve funding schedule;
4450 requiring an association to obtain an updated
4451 structural integrity reserve study before adopting any
4452 budget in which the reserve funding from regular
4453 assessments, special assessments, lines of credit, or
4454 loans do not align with the funding plan of the most
4455 recent version of the structural integrity reserve
4456 study; authorizing an association to delay a required
4457 structural integrity reserve study for a specified
4458 timeframe if it has completed a milestone inspection
4459 or similar inspection, for a specified purpose;
4460 requiring an officer or a director of the association
4461 to sign an affidavit acknowledging receipt of the
4462 completed structural integrity reserve study;
4463 requiring the division to adopt by rule the form for
4464 the structural integrity reserve study in coordination
4465 with the Florida Building Commission; amending s.
4466 719.501, F.S.; requiring a cooperative association to
4467 create and maintain an online account with the
4468 division; requiring board members to maintain accurate
4469 contact information on file with the division;
4470 requiring the division to adopt rules; authorizing the
4471 division to require cooperative associations to
4472 provide information to the division no more than once
4473 per year; providing an exception; requiring the
4474 division to provide associations a specified timeframe
4475 to provide any required information; specifying the
4476 information the division may request; amending s.
4477 719.503, F.S.; revising the disclosures that must be



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4478 included in a contract for the sale and resale of an
4479 interest in a cooperative; amending s. 914.21, F.S.;
4480 revising the definition of the term "official
4481 investigation"; providing appropriations; reenacting
4482 s. 468.436(2)(b), F.S., relating to disciplinary
4483 proceedings, to incorporate the amendment made to s.
4484 468.4335, F.S., in a reference thereto; reenacting s.
4485 721.13(3)(e), F.S., relating to management, to
4486 incorporate the amendment made to s. 718.111, F.S., in
4487 a reference thereto; reenacting ss. 718.504(7)(a) and
4488 (21)(c) and 718.618(1)(d), F.S., relating to
4489 prospectus or offering circulars and converter reserve
4490 accounts and warranties, respectively, to incorporate
4491 the amendment made to s. 718.112, F.S., in references
4492 thereto; reenacting s. 718.706(1) and (3), F.S.,
4493 relating to specific provisions pertaining to offering
4494 of units by bulk assignees or bulk buyers, to
4495 incorporate the amendments made to ss. 718.111,
4496 718.112, and 718.503, F.S., in references thereto;
4497 reenacting ss. 719.103(24) and 719.504(7)(a) and
4498 (20)(c), F.S., relating to definitions and prospectus
4499 or offering circulars, respectively, to incorporate
4500 the amendment made to s. 719.106, F.S., in references
4501 thereto; providing effective dates.