

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

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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 his or her license suspended or revoked; amending s. 468.4334, F.S.; prohibiting a community association manager or a community association management firm from knowingly performing any act directed by the community association if such act violates any state or federal law; revising the contractual obligations a

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community association manager or a community association management firm has with the association board; requiring that such contract include a certain statement, if applicable to the type of management services provided in the contract; prohibiting such contracts from waiving or limiting certain professional practice standards; requiring a community association to include specified information on its website or mobile application, if such association is required to maintain official records on a website or an application; conforming provisions to changes made by the act; amending s. 553.899, F.S.; requiring the local enforcement agency responsible for milestone inspections to provide to the Department of Business and Professional Regulation certain information in an electronic format; specifying the information to be provided to the department; requiring the department to contract with the University of Florida for the creation of a report that provides certain information on milestone inspections during a specified timeframe; requiring a local enforcement agency to provide the university with certain information; authorizing the university to request any additional information from a local enforcement agency required to complete the report; requiring the university to compile the report and the department to transmit the report to the Governor and the Legislature; requiring, rather than authorizing, the board of county commissioners or a municipal governing body to adopt a specified

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ordinance; requiring specified professionals who bid to perform a structural integrity reserve study to disclose to the association in writing their intent to bid on services related to any maintenance, repair, or replacement that may be recommended by the structural integrity reserve study; prohibiting such professionals 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 professionals fail to provide a written disclosure of such relationship with the firm conducting the structural integrity reserve study; providing that such professionals may be subject to discipline for failure to provide such written disclosure; amending s. 718.103, F.S.; revising the definition of the term "alternative funding method"; defining the term "video conference"; amending s. 718.111, F.S.; requiring a community association manager or a community association management firm that contracts with a community association to possess specific licenses; providing that all board members or officers of a community association that contracts with a community association manager or a community association management firm have a duty to ensure that the

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community association manager or community association management firm is properly licensed before entering into a contract; authorizing a community association to terminate a contract with a community association manager or a community association management firm if the manager's or management firm's license is suspended or revoked during the term of the contract; providing that a community association has no further contractual obligations to a community association management firm if such firm has its license suspended or revoked, effective upon the date of the license suspension or revocation; revising which items constitute the official records of the association; requiring that certain documents be posted on certain associations' websites or made available for download through an application on a mobile device within a specified timeframe; revising which documents must be posted in digital format on the association's website or application; revising the timeframe in which the association must deliver a copy of the most recent financial report or a notice that a copy of the most recent financial report; revising the methods of delivery for a copy of the most recent association financial report to include electronic delivery via the Internet; requiring that an officer or a director execute an affidavit as evidence of compliance with the delivery requirement; revising how financial reports are prepared; requiring an association board to use best efforts to make prudent investment

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117 decisions in fulfilling its duty to manage operating
118 and reserve funds of the association; authorizing an
119 association, including a multicondominium association,
120 to invest reserve funds in specified financial
121 institutions; authorizing such associations to place
122 reserve funds in other investments upon a majority
123 vote of the voting interests of the association;
124 providing restrictions; prohibiting any funds not
125 identified as reserve funds from being used for
126 investments; requiring a board to create an investment
127 committee composed of a specified minimum number of
128 board members; requiring the board to adopt rules;
129 requiring that all meetings of the investment
130 committee be recorded and made part of the official
131 records of the association; requiring that the
132 investment policy statement developed pursuant to
133 certain provisions address specified issues; requiring
134 the investment committee to recommend investment
135 advisers to the board; requiring the board to select
136 one of the recommended investment advisers to provide
137 services to the association; requiring that such
138 advisers be registered; prohibiting an investment
139 adviser from being related to any board member,
140 community management company, reserve study provider,
141 or co-owner of a unit with a board member or
142 investment committee member; requiring investment
143 advisers to comply with the prudent investor rule;
144 requiring an adviser to act as a fiduciary to the
145 association; providing that the investment and

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146 fiduciary standards required by the act take
147 precedence over any conflicting law; requiring the
148 investment committee to recommend a replacement
149 adviser if the committee determines that an investment
150 adviser is not meeting requirements; requiring the
151 association to provide the investment adviser with
152 specified financial information at least once each
153 calendar year, or sooner if a substantial financial
154 obligation of the association becomes known to the
155 board; requiring the investment adviser to annually
156 review such financial information and provide the
157 association with a portfolio allocation model that is
158 suitably structured and prudently designed to match
159 projected annual reserve fund requirements and
160 liability, assets, and liquidity requirements;
161 requiring the investment adviser to prepare a funding
162 projection for each reserve component, including any
163 of the component's redundancies; requiring that a
164 specified minimum timeframe of projected reserves in
165 cash or cash equivalents be available to the
166 association; authorizing a portfolio managed by an
167 investment adviser to contain any type of investment
168 necessary to meet the objectives in the investment
169 policy statement; providing exceptions; requiring that
170 any funds invested by the investment adviser be held
171 in third-party custodial accounts that are subject to
172 insurance coverage by the Securities Investor
173 Protection Corporation in an amount equal to or
174 greater than the invested amount; authorizing the

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investment adviser to withdraw investment fees,
expenses, and commissions from invested funds;
requiring the investment adviser to annually provide
the association with a written certification of
compliance with certain provisions and provide the
association with a list of certain stocks, securities,
and other obligations; requiring the investment
adviser to submit monthly, quarterly, and annual
reports to the association, prepared in accordance
with established financial industry standards;
requiring that any principal, earnings, or interest
managed be available to the association at no cost
within a specified timeframe after the association's
written or electronic request; requiring that
unallocated income earned on reserve fund investments
be spent only on specified expenditures; amending s.
718.112, F.S.; authorizing an association board
meeting to be conducted in person or by video
conference; requiring the Division of Florida
Condominiums, Timeshares, and Mobile Homes to adopt
rules; requiring that notice for board meetings
conducted via video conference contain specific
information; requiring that such meetings be recorded
and maintained as an official record of the
association; revising how notice may be sent to unit
owners; revising the distance from the condominium
property within which a unit owner meeting must be
held; authorizing a unit owner to vote electronically
if the unit owner meeting is conducted via video

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conference; authorizing unit owner meetings to be conducted in person or via video conference; specifying what constitutes a quorum for meetings held via video conference; requiring that the location of the meeting be provided in the association bylaws or within a specified distance from the condominium property if the bylaws are silent; requiring that meetings held via video conference be recorded and be maintained as an official record of the association; requiring the division to adopt rules; revising the method of serving notices of unit owner meetings; authorizing budget meetings to be conducted via video conference; requiring the division to adopt rules; requiring that a sound transmitting device be used at such meetings for a specified purpose; revising a provision that a board proposing a budget that requires a certain special assessment against unit owners to simultaneously propose a substitute budget that meets certain requirements, rather than conduct a special meeting of the unit owners to consider a substitute budget after the adoption of the annual budget; requiring unit owners, rather than authorizing them, to consider a substitute budget; authorizing the annual budget initially proposed to be adopted by the board; revising the criteria used in determining whether assessments exceed the specified percentage of assessments of the previous fiscal year; revising the threshold for deferred maintenance expenses or replacements in reserve accounts; authorizing the

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members to vote to waive the maintenance of reserves recommended in the most recent structural integrity reserve study under certain circumstances; revising the provision that any association, rather than an association operating a multicondominium, may determine to provide no reserves or less reserves than required if an alternative funding method is used by the association; deleting the requirement that the division approve the funding method; providing that specified reserves may be funded by regular assessments, special assessments, lines of credit, or loans under certain circumstances; authorizing a unit-owner-controlled association that is required to have a structural reserve study 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 line of credit or loan be approved by a majority of the total voting interests of the association; requiring that such line of credit or loan be sufficient to fund the cumulative amount of any previously waived or unfunded portions of the reserve funding amount and the most recent structural integrity reserve study; requiring that funding from the line of credit or loan be immediately available for access by the board for a specified purpose; requiring that such lines of credit or loans be included in the association's financial report; deleting a requirement that the majority of the members must approve of the board pausing

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contributions to the association's reserves 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 and such inspection recommended certain repairs; 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 to have a structural integrity reserve study performed before the continuation of reserve contributions for specified purposes; providing that a vote of the members is not required for the board to change the accounting method for reserves to specified accounting methods; 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

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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 each recommended schedule is sufficient to meet the association's maintenance obligations; requiring that reserves not required for certain items be separately identified as such in the structural integrity reserve study; requiring the structural integrity reserve study to 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, loans, or lines of credit; requiring a structural integrity reserve study that has been performed before the approval of a special assessment or the securing of a line of credit or a loan to be updated to reflect certain information regarding the reserve funding schedule; authorizing a structural integrity reserve

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study to be updated to reflect changes in the useful life of the reserve items after such items are repaired or replaced, and the effect of such repair or replacement will have on the reserve funding schedule; requiring an association to obtain an updated structural integrity reserve study before adopting any budget in which the reserve funding from regular assessments, special assessments, loans, or lines of credit do not align with the funding plan of the most recent version of the structural integrity reserve study; authorizing an association to delay a required structural integrity reserve study for a specified timeframe if it has completed a milestone inspection or similar inspection, for a specified purpose; requiring an officer or director of an association to sign an affidavit acknowledging receipt of the completed structural integrity reserve study; requiring the division to adopt rules for the form for the structural integrity reserve study in coordination with the Florida Building Commission; making technical changes; amending s. 718.501, F.S.; revising the duties of the Division of Florida Condominiums, Timeshares, and Mobile Homes regarding investigation of complaints; requiring condominium associations to create and maintain an online account with the division; requiring board members to maintain accurate contact information on file with the division; requiring the division to adopt rules; requiring all condominium associations to create and maintain an

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online account with the division; requiring all
condominium associations to provide specified
information to the division by a specified date;
requiring that such information be updated within a
specified timeframe; requiring the division to adopt
rules; authorizing the division to require condominium
associations to provide information to the division;
specifying the information to be provided to the
division; amending s. 718.503, F.S.; revising the
disclosures that must be included in a contract for
the sale and resale of a residential unit; amending s.
8 of chapter 2024-244, Laws of Florida, as amended;
revising the documents required to be posted on
certain associations' websites or be made available
through download using an application on a mobile
device; amending s. 31 of chapter 2024-244, Laws of
Florida; revising applicability; amending s. 719.104,
F.S.; requiring a board to use best efforts to make
prudent investment decisions in fulfilling its duty to
manage operating and reserve funds of the cooperative
association; authorizing an association to invest
reserve funds in specified financial institutions;
authorizing such associations to place reserve funds
in other investments upon a majority vote of the
voting interests of the association; providing
restrictions; prohibiting any funds not identified as
reserve funds from being used for investments;
providing applicability; requiring a board to create
an investment committee composed of a specified

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minimum number of board members; requiring the board to adopt rules; requiring that all meetings of the investment committee be recorded and made part of the official records of the association; requiring that the investment policy statement developed pursuant to certain provisions address specified issues; requiring the investment committee to recommend investment advisers to the board; requiring the board to select one of the recommended investment advisers to provide services to the association; requiring such advisers to be registered; prohibiting an investment adviser from being related to any board member, community management company, reserve study provider, or co-owner of a unit with a board member or investment committee member; requiring investment advisers to comply with the prudent investor rule; requiring an adviser to act as a fiduciary to the association; providing that the investment and fiduciary standards required by the act take precedence over any conflicting law; requiring the investment committee to recommend a replacement adviser if the committee determines that an investment adviser is not meeting requirements; requiring the association to provide the investment adviser with specified financial information at least once each calendar year, or sooner if a substantial financial obligation of the association becomes known to the board; requiring the investment adviser to annually review such financial information and provide the association with a

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portfolio allocation model that is suitably structured and prudently designed to match projected annual reserve fund requirements and liability, assets, and liquidity requirements; requiring the investment adviser to prepare a funding projection for each reserve component, including any of the component's redundancies; requiring that a specified minimum timeframe of projected reserves in cash or cash equivalents be available to the association; authorizing a portfolio managed by an investment adviser to contain any type of investment necessary to meet the objectives in the investment policy statement; providing exceptions; requiring that any funds invested by the investment adviser 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; authorizing the investment adviser to withdraw investment fees, expenses, and commissions from invested funds; requiring the investment adviser to annually provide the association with a written certification of compliance with certain provisions and provide the association with a list of certain stocks, securities, and other obligations; requiring the investment adviser to submit monthly, quarterly, and annual reports to the association, prepared in accordance with established financial industry standards; requiring that any principal, earnings, or interest

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managed be available to the association at no cost within a specified timeframe after the association's written or electronic request; requiring that unallocated income earned on reserve fund investments be spent only on specified expenditures; amending s. 719.106, F.S.; revising the deferred maintenance expense or replacement costs threshold that must be in reserve accounts; authorizing the board to pause contributions to its reserves or reduce reserve funding if a local building official determines the entire cooperative building is uninhabitable due to a natural emergency; authorizing any reserve account fund held by the association to be expended to make the cooperative building and its structures habitable, 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

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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 contributions to have a structural integrity reserve study performed before the continuation of reserve contributions for specified purposes; providing that a vote of the members is not required for the board to change the accounting method for reserves to specified accounting methods; 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

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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 each recommended schedule is sufficient to meet the association's maintenance obligation; requiring that reserves not required for certain items be separately identified as such in the structural integrity reserve study; requiring the structural integrity reserve study to 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; requiring a structural integrity reserve study that has been performed before the approval of a special assessment or the securing of a line of credit or a loan to be updated to reflect certain information regarding the reserve funding

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schedule; authorizing a structural integrity reserve study to be updated to reflect changes in the useful life of the reserve items after such items are repaired or replaced, and the effect of such repair or replacement will have on the reserve funding schedule; requiring an association to 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 of the most recent version of the structural integrity reserve study; authorizing an association to delay a required structural integrity reserve study for a specified timeframe if it has completed a milestone inspection or similar inspection, for a specified purpose; requiring an officer or a director of the association to sign an affidavit acknowledging receipt of the completed structural integrity reserve study; requiring the division to adopt by rule the form for the structural integrity reserve study in coordination with the Florida Building Commission; amending s. 719.501, F.S.; requiring a cooperative association to create and maintain an online account with the division; requiring board members to maintain accurate contact information on file with the division; requiring the division to adopt rules; authorizing the division to require cooperative associations to provide information to the division no more than once per year; providing an exception; requiring the

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division to provide associations a specified timeframe to provide any required information; specifying the information the division may request; amending s. 719.503, F.S.; revising the disclosures that must be included in a contract for the sale and resale of an interest in a cooperative; amending s. 914.21, F.S.; revising the definition of the term "official investigation"; providing appropriations; reenacting s. 721.13(3)(e), F.S., relating to management, to incorporate the amendment made to s. 718.111, F.S., in a reference thereto; reenacting ss. 718.504(7)(a) and (21)(c) and 718.618(1)(d), F.S., relating to prospectus or offering circulars and converter reserve accounts and warranties, respectively, to incorporate the amendment made to s. 718.112, F.S., in references thereto; reenacting s. 718.706(1) and (3), F.S., relating to specific provisions pertaining to offering of units by bulk assignees or bulk buyers, to incorporate the amendments made to ss. 718.111, 718.112, and 718.503, F.S., in references thereto; reenacting ss. 719.103(24) and 719.504(7)(a) and (20)(c), F.S., relating to definitions and prospectus or offering circulars, respectively, to incorporate the amendment made to s. 719.106, F.S., in references thereto; providing effective dates.

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

Section 1. Paragraph (h) is added to subsection (2) of

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

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

(3) A licensee must create and maintain an online licensure account with the department. Each community association manager must identify on his or her online licensure account the community association management firm for which he or she provides management services and identify each community association for which he or she is the designated on-site community association manager. A licensee must update his or her online licensure account with this information within 30 days after any change to the required information. A community

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610 association management firm must identify on its online
611 licensure account the community association managers that it
612 employs to provide community association management services. If
613 a community association manager has his or her license suspended
614 or revoked, the department must give written notice of such
615 suspension or revocation to the community association management
616 firm and the community association for which the manager
617 performs community management services.

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

620 468.4334 Professional practice standards; liability;
621 community association manager requirements; return of records
622 after termination of contract.—

623 (1)(a) A community association manager or a community
624 association management firm is deemed to act as agent on behalf
625 of a community association as principal within the scope of
626 authority authorized by a written contract or under this
627 chapter. A community association manager or a community
628 association management firm may not knowingly perform any act
629 directed by the community association if such an act violates
630 any state or federal law. A community association manager and a
631 community association management firm shall discharge duties
632 performed on behalf of the association as authorized by this
633 chapter loyally, skillfully, and diligently; dealing honestly
634 and fairly; in good faith; with care and full disclosure to the
635 community association; accounting for all funds; and not
636 charging unreasonable or excessive fees.

637 (b) If a community association manager or a community
638 association management firm has a contract with a community

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association that is subject to the milestone inspection requirements in s. 553.899, or the structural integrity reserve study requirements in s. 718.112(2)(g) and 719.106(1)(k), the community association manager or the community association management firm must comply with those sections ~~that section~~ as directed by the board.

(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'~~

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668 association the name and contact information for each community
669 association manager or representative of a community association
670 management firm assigned to the community homeowners'
671 association, the manager's or representative's hours of
672 availability, and a summary of the duties for which the manager
673 or representative is responsible. The community homeowners'
674 association shall also post this information on the
675 association's website or mobile application, if the association
676 is required to maintain official records on a website or
677 application ~~required under s. 720.303(4)(b)~~. The community
678 association manager or community association management firm
679 shall update the community homeowners' association and its
680 members within 14 business days after any change to such
681 information.

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

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

691 553.899 Mandatory structural inspections for condominium
692 and cooperative buildings.—

693 (3)

694 (e) On or before October 1, 2025, and on or before each
695 December 31 thereafter, the local enforcement agency responsible
696 for milestone inspections must provide the department, in an

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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.

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

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

(f) Subject to appropriation, the department shall contract with the University of Florida for the purpose of creating a report that provides comprehensive data, evaluation, and analysis on the milestone inspections performed throughout this state during each calendar year or other time period approved by the department. Every local enforcement agency responsible for milestone inspections must provide the university with a copy of any phase one or phase two milestone inspection report by the date specified by the department in a manner prescribed by the university. The university may request any additional

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information from a local enforcement agency which the university requires to complete this report. The university shall compile the report, and the department shall transmit the report to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

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

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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 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.

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Section 4. 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 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 5. Paragraphs (a) and (g) of subsection (12) and subsection (13) of section 718.111, Florida Statutes, are

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813 amended, paragraphs (g), (h), and (i) are added to subsection
814 (3) of that section, and subsection (16) is added to that
815 section, to read:

816 718.111 The association.—

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

819 (g) If an association contracts with a community
820 association manager or a community association management firm,
821 the community association manager or community association
822 management firm must possess all applicable licenses required by
823 part VIII of chapter 468. All board members or officers of an
824 association that contracts with a community association manager
825 or a community association management firm have a duty to ensure
826 that the community association manager or community association
827 management firm is properly licensed before entering into a
828 contract.

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

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

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(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 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

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871 accordance with sub-subparagraph (c)5.e., the e-mail addresses
872 and facsimile numbers are only accessible to unit owners if
873 consent to receive notice by electronic transmission is
874 provided, or if the unit owner has expressly indicated that such
875 personal information can be shared with other unit owners and
876 the unit owner has not provided the association with a request
877 to opt out of such dissemination with other unit owners. An
878 association must ensure that the e-mail addresses and facsimile
879 numbers are only used for the business operation of the
880 association and may not be sold or shared with outside third
881 parties. If such personal information is included in documents
882 that are released to third parties, other than unit owners, the
883 association must redact such personal information before the
884 document is disseminated. However, the association is not liable
885 for an inadvertent disclosure of the e-mail address or facsimile
886 number for receiving electronic transmission of notices unless
887 such disclosure was made with a knowing or intentional disregard
888 of the protected nature of such information.

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

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

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

897 11. Accounting records for the association and separate
898 accounting records for each condominium that the association
899 operates. Any person who knowingly or intentionally defaces or

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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 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).

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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 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.

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

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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 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

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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.

~~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.

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1016 ~~j.h.~~ The certification of each director required by s.
1017 718.112(2) (d) 4.b.

1018 ~~k.i.~~ All contracts or transactions between the association
1019 and any director, officer, corporation, firm, or association
1020 that is not an affiliated condominium association or any other
1021 entity in which an association director is also a director or
1022 officer and financially interested.

1023 ~~l.j.~~ Any contract or document regarding a conflict of
1024 interest or possible conflict of interest as provided in ss.
1025 468.4335, 468.436(2) (b) 6., and 718.3027(3).

1026 ~~m.k.~~ The notice of any unit owner meeting and the agenda
1027 for the meeting, as required by s. 718.112(2) (d) 3., no later
1028 than 14 days before the meeting. The notice must be posted in
1029 plain view on the front page of the website or application, or
1030 on a separate subpage of the website or application labeled
1031 "Notices" which is conspicuously visible and linked from the
1032 front page. The association must also post on its website or
1033 application any document to be considered and voted on by the
1034 owners during the meeting or any document listed on the agenda
1035 at least 7 days before the meeting at which the document or the
1036 information within the document will be considered.

1037 ~~n.l.~~ Notice of any board meeting, the agenda, and any other
1038 document required for the meeting as required by s.
1039 718.112(2) (c), which must be posted no later than the date
1040 required for notice under s. 718.112(2) (c).

1041 ~~o.m.~~ The inspection reports described in ss. 553.899 and
1042 718.301(4) (p) and any other inspection report relating to a
1043 structural or life safety inspection of condominium property.

1044 ~~p.n.~~ The association's most recent structural integrity

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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 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

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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 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

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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 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:

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1132 1. Compiled, reviewed, or audited financial statements, if
1133 the association is required to prepare a report of cash receipts
1134 and expenditures;

1135 2. Reviewed or audited financial statements, if the
1136 association is required to prepare compiled financial
1137 statements; or

1138 3. Audited financial statements if the association is
1139 required to prepare reviewed financial statements.

1140 (d) If approved by a majority vote of all the voting
1141 interests ~~present at a properly called meeting~~ of the
1142 association, an association may prepare:

1143 1. A report of cash receipts and expenditures in lieu of a
1144 compiled, reviewed, or audited financial statement;

1145 2. A report of cash receipts and expenditures or a compiled
1146 financial statement in lieu of a reviewed or audited financial
1147 statement; or

1148 3. A report of cash receipts and expenditures, a compiled
1149 financial statement, or a reviewed financial statement in lieu
1150 of an audited financial statement.

1151
1152 Such meeting and approval must occur before the end of the
1153 fiscal year and is effective only for the fiscal year in which
1154 the vote is taken. An association may not prepare a financial
1155 report pursuant to this paragraph for consecutive fiscal years.
1156 If the developer has not turned over control of the association,
1157 all unit owners, including the developer, may vote on issues
1158 related to the preparation of the association's financial
1159 reports, from the date of incorporation of the association
1160 through the end of the second fiscal year after the fiscal year

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1161 in which the certificate of a surveyor and mapper is recorded
1162 pursuant to s. 718.104(4)(e) or an instrument that transfers
1163 title to a unit in the condominium which is not accompanied by a
1164 recorded assignment of developer rights in favor of the grantee
1165 of such unit is recorded, whichever occurs first. Thereafter,
1166 all unit owners except the developer may vote on such issues
1167 until control is turned over to the association by the
1168 developer. Any audit or review prepared under this section shall
1169 be paid for by the developer if done before turnover of control
1170 of the association.

1171 (e) A unit owner may provide written notice to the division
1172 of the association's failure to mail or hand deliver him or her
1173 a copy of the most recent financial report within 5 business
1174 days after he or she submitted a written request to the
1175 association for a copy of such report. If the division
1176 determines that the association failed to mail or hand deliver a
1177 copy of the most recent financial report to the unit owner, the
1178 division shall provide written notice to the association that
1179 the association must mail or hand deliver a copy of the most
1180 recent financial report to the unit owner and the division
1181 within 5 business days after it receives such notice from the
1182 division. An association that fails to comply with the
1183 division's request may not waive the financial reporting
1184 requirement provided in paragraph (d) for the fiscal year in
1185 which the unit owner's request was made and the following fiscal
1186 year. A financial report received by the division pursuant to
1187 this paragraph shall be maintained, and the division shall
1188 provide a copy of such report to an association member upon his
1189 or her request.

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(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 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

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1219 records of the association. The investment policy statement
1220 developed pursuant to this paragraph must, at a minimum, address
1221 risk, liquidity, and benchmark measurements; authorized classes
1222 of investments; authorized investment mixes; limitations on
1223 authority relating to investment transactions; requirements for
1224 projected reserve expenditures within, at minimum, the next 24
1225 months to be held in cash or cash equivalents; projected
1226 expenditures relating to a mandatory structural inspection
1227 performed pursuant to s. 553.899; and protocols for proxy
1228 response.

1229 (d) The investment committee shall recommend investment
1230 advisers to the board, and the board shall select one of the
1231 recommended investment advisers to provide services to the
1232 association. Such investment advisers must be registered or have
1233 notice filed under s. 517.12. The selected investment adviser
1234 and any representative or association of the investment adviser
1235 may not be related by affinity or consanguinity to, or under
1236 common ownership with, any board member, community management
1237 company, reserve study provider, or co-owner of a unit with a
1238 board member or investment committee member. The investment
1239 adviser shall comply with the prudent investor rule in s.
1240 518.11. The investment adviser shall act as a fiduciary to the
1241 association in compliance with the standards set forth in the
1242 Employee Retirement Income Security Act of 1974 at 29 U.S.C. s.
1243 1104(a)(1)(A)-(C). In case of conflict with other laws
1244 authorizing investments, the investment and fiduciary standards
1245 set forth in this subsection must prevail. If at any time the
1246 investment committee determines that an investment adviser does
1247 not meet the requirements of this section, the investment

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1248 committee must recommend a replacement investment adviser to the
1249 board.

1250 (e) At least once each calendar year, or sooner if a
1251 substantial financial obligation of the association becomes
1252 known to the board, the association must provide the investment
1253 adviser with the association's investment policy statement, the
1254 most recent reserve study report, the association's structural
1255 integrity report, and the financial reports prepared pursuant to
1256 subsection (13). If there is no recent reserve study report, the
1257 association must provide the investment adviser with a good
1258 faith estimate disclosing the annual amount of reserve funds
1259 necessary for the association to fund reserves fully for the
1260 life of each reserve component and each component's
1261 redundancies. The investment adviser shall annually review these
1262 documents and provide the association with a portfolio
1263 allocation model that is suitably structured and prudently
1264 designed to match projected annual reserve fund requirements and
1265 liability, assets, and liquidity requirements. The investment
1266 adviser shall prepare a funding projection for each reserve
1267 component, including any of the component's redundancies. The
1268 association must have available at all times a minimum of 24
1269 months of projected reserves in cash or cash equivalents.

1270 (f) Portfolios managed by the investment adviser may
1271 contain any type of investment necessary to meet the objectives
1272 in the investment policy statement; however, portfolios may not
1273 contain stocks, securities, or other obligations that the State
1274 Board of Administration is prohibited from investing in under s.
1275 215.471, s. 215.4725, or s. 215.473 or that state agencies are
1276 prohibited from investing in under s. 215.472, as determined by

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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.

Section 6. 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

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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 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

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1335 used in voting for nonsubstantive changes to items for which a
1336 limited proxy is required and given. Notwithstanding this
1337 subparagraph, unit owners may vote in person at unit owner
1338 meetings. This subparagraph does not limit the use of general
1339 proxies or require the use of limited proxies for any agenda
1340 item or election at any meeting of a timeshare condominium
1341 association or a nonresidential condominium association.

1342 3. A proxy given is effective only for the specific meeting
1343 for which originally given and any lawfully adjourned meetings
1344 thereof. A proxy is not valid longer than 90 days after the date
1345 of the first meeting for which it was given. Each proxy is
1346 revocable at any time at the pleasure of the unit owner
1347 executing it.

1348 4. A member of the board of administration or a committee
1349 may submit in writing his or her agreement or disagreement with
1350 any action taken at a meeting that the member did not attend.
1351 This agreement or disagreement may not be used as a vote for or
1352 against the action taken or to create a quorum.

1353 5. A board meeting may be conducted in person or by video
1354 conference. A board or committee member's participation in a
1355 meeting via telephone, real-time videoconferencing, or similar
1356 real-time electronic or video communication counts toward a
1357 quorum, and such member may vote as if physically present. A
1358 speaker must be used so that the conversation of such members
1359 may be heard by the board or committee members attending in
1360 person as well as by any unit owners present at a meeting. The
1361 division shall adopt rules pursuant to ss. 120.536 and 120.54
1362 governing the requirements for meetings.

1363 (c) *Board of administration meetings.*—In a residential

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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 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

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1393 video conference, it must be recorded and such recording must be
1394 maintained as an official record of the association. If 20
1395 percent of the voting interests petition the board to address an
1396 item of business, the board, within 60 days after receipt of the
1397 petition, shall place the item on the agenda at its next regular
1398 board meeting or at a special meeting called for that purpose.
1399 An item not included on the notice may be taken up on an
1400 emergency basis by a vote of at least a majority plus one of the
1401 board members. Such emergency action must be noticed and
1402 ratified at the next regular board meeting. Written notice of a
1403 meeting at which a nonemergency special assessment or an
1404 amendment to rules regarding unit use will be considered must be
1405 mailed, delivered, or electronically transmitted to the unit
1406 owners and posted conspicuously on the condominium property at
1407 least 14 days before the meeting. Evidence of compliance with
1408 this 14-day notice requirement must be made by an affidavit
1409 executed by the person providing the notice and filed with the
1410 official records of the association.

1411 2. Upon notice to the unit owners, the board shall, by duly
1412 adopted rule, designate a specific location on the condominium
1413 property at which all notices of board meetings must be posted.
1414 ~~If there is no condominium property at which notices can be~~
1415 ~~posted,~~ Notices shall be mailed, delivered, or electronically
1416 transmitted to each unit owner who has consented to receive
1417 electronic notifications at least 14 days before the meeting. In
1418 ~~lieu of or in~~ addition to the physical posting of the notice on
1419 the condominium property and mailing, delivering, or
1420 electronically transmitting the notice, the association may, by
1421 reasonable rule, adopt a procedure for conspicuously posting and

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1422 repeatedly broadcasting the notice and the agenda on a closed-
1423 circuit cable television system serving the condominium
1424 association. ~~However, if broadcast notice is used in lieu of a~~
1425 ~~notice physically posted on condominium property, the notice and~~
1426 ~~agenda must be broadcast at least four times every broadcast~~
1427 ~~hour of each day that a posted notice is otherwise required~~
1428 ~~under this section. If broadcast notice is provided, the notice~~
1429 ~~and agenda must be broadcast in a manner and for a sufficient~~
1430 ~~continuous length of time so as to allow an average reader to~~
1431 ~~observe the notice and read and comprehend the entire content of~~
1432 ~~the notice and the agenda.~~ In addition to any of the authorized
1433 means of providing notice of a meeting of the board, the
1434 association may, by rule, adopt a procedure for conspicuously
1435 posting the meeting notice and the agenda on a website serving
1436 the condominium association for at least the minimum period of
1437 time for which a notice of a meeting is also required to be
1438 physically posted on the condominium property. Any rule adopted
1439 shall, in addition to other matters, include a requirement that
1440 the association send an electronic notice in the same manner as
1441 a notice for a meeting of the members, which must include a
1442 hyperlink to the website at which the notice is posted, to unit
1443 owners whose e-mail addresses are included in the association's
1444 official records.

1445 3. Notice of any meeting in which regular or special
1446 assessments against unit owners are to be considered must
1447 specifically state that assessments will be considered and
1448 provide the estimated cost and description of the purposes for
1449 such assessments. If an agenda item relates to the approval of a
1450 contract for goods or services, a copy of the contract must be

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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 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

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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 10 miles of 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 become a candidate. Except in a timeshare or nonresidential condominium, or if the staggered term of a board member does not expire until a later annual meeting, or if all members' terms would otherwise expire but there are no candidates, the terms of all board members expire at the annual meeting, and such members may stand for reelection unless prohibited by the bylaws. Board

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members may serve terms longer than 1 year if permitted by the bylaws or articles of incorporation. A board member may not serve more than 8 consecutive years unless approved by an affirmative vote of unit owners representing two-thirds of all votes cast in the election or unless there are not enough eligible candidates to fill the vacancies on the board at the time of the vacancy. Only board service that occurs on or after July 1, 2018, may be used when calculating a board member's term limit. If the number of board members whose terms expire at the annual meeting equals or exceeds the number of candidates, the candidates become members of the board effective upon the adjournment of the annual meeting. Unless the bylaws provide otherwise, any remaining vacancies shall be filled by the affirmative vote of the majority of the directors making up the newly constituted board even if the directors constitute less than a quorum or there is only one director. In a residential condominium association of more than 10 units or in a residential condominium association that does not include timeshare units or timeshare interests, co-owners of a unit may not serve as members of the board of directors at the same time unless they own more than one unit or unless there are not enough eligible candidates to fill the vacancies on the board at the time of the vacancy. A unit owner in a residential 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

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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 annual meeting must include an agenda; be mailed, hand delivered, or electronically transmitted to each unit owner at least 14 days before the annual meeting; and be posted in a conspicuous place on the condominium property or association property at least 14 continuous days before the annual meeting. Written notice of a meeting other than an annual meeting must

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1567 include an agenda; be mailed, hand delivered, or electronically
1568 transmitted to each unit owner; and be posted in a conspicuous
1569 place on the condominium property or association property within
1570 the timeframe specified in the bylaws. If the bylaws do not
1571 specify a timeframe for written notice of a meeting other than
1572 an annual meeting, notice must be provided at least 14
1573 continuous days before the meeting. Upon notice to the unit
1574 owners, the board shall, by duly adopted rule, designate a
1575 specific location on the condominium property or association
1576 property at which all notices of unit owner meetings must be
1577 posted. This requirement does not apply if there is no
1578 condominium property for posting notices. ~~In lieu of, or in~~ In
1579 addition to, the physical posting of meeting notices, the
1580 association may, by reasonable rule, adopt a procedure for
1581 conspicuously posting and repeatedly broadcasting the notice and
1582 the agenda on a closed-circuit cable television system serving
1583 the condominium association. ~~However, if broadcast notice is~~
1584 ~~used in lieu of a notice posted physically on the condominium~~
1585 ~~property, the notice and agenda must be broadcast at least four~~
1586 ~~times every broadcast hour of each day that a posted notice is~~
1587 ~~otherwise required under this section.~~ If broadcast notice is
1588 provided, the notice and agenda must be broadcast in a manner
1589 and for a sufficient continuous length of time so as to allow an
1590 average reader to observe the notice and read and comprehend the
1591 entire content of the notice and the agenda. In addition to any
1592 of the authorized means of providing notice of a meeting of the
1593 board, the association may, by rule, adopt a procedure for
1594 conspicuously posting the meeting notice and the agenda on a
1595 website serving the condominium association for at least the

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1596 minimum period of time for which a notice of a meeting is also
1597 required to be physically posted on the condominium property.
1598 Any rule adopted shall, in addition to other matters, include a
1599 requirement that the association send an electronic notice in
1600 the same manner as a notice for a meeting of the members, which
1601 must include a hyperlink to the website at which the notice is
1602 posted, to unit owners whose e-mail addresses are included in
1603 the association's official records. Unless a unit owner waives
1604 in writing the right to receive notice of the annual meeting,
1605 such notice must be hand delivered, mailed, or electronically
1606 transmitted to each unit owner. Notice for meetings and notice
1607 for all other purposes must be mailed to each unit owner at the
1608 address last furnished to the association by the unit owner, or
1609 hand delivered to each unit owner. However, if a unit is owned
1610 by more than one person, the association must provide notice to
1611 the address that the developer identifies for that purpose and
1612 thereafter as one or more of the owners of the unit advise the
1613 association in writing, or if no address is given or the owners
1614 of the unit do not agree, to the address provided on the deed of
1615 record. An officer of the association, or the manager or other
1616 person providing notice of the association meeting, must provide
1617 an affidavit or United States Postal Service certificate of
1618 mailing, to be included in the official records of the
1619 association affirming that the notice was mailed or hand
1620 delivered in accordance with this provision.

1621 5.4- The members of the board of a residential condominium
1622 shall be elected by written ballot or voting machine. Proxies
1623 may not be used in electing the board in general elections or
1624 elections to fill vacancies caused by recall, resignation, or

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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 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

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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.

(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,

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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 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

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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 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

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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 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.

~~11.10.~~ This chapter does not limit the use of general or

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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 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

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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 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

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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 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

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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 ~~\$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 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

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1886 maintenance of reserves recommended by the association's most
1887 recent structural integrity reserve study. With respect to items
1888 for which an estimate of useful life is not readily
1889 ascertainable or with an estimated remaining useful life of
1890 greater than 25 years, an association is not required to reserve
1891 replacement costs for such items, but an association must
1892 reserve the amount of deferred maintenance expense, if any,
1893 which is recommended by the structural integrity reserve study
1894 for such items. The association may adjust replacement reserve
1895 assessments annually to take into account an inflation
1896 adjustment and any changes in estimates or extension of the
1897 useful life of a reserve item caused by deferred maintenance.

1898 b. The members of a unit-owner-controlled association may
1899 determine, by a majority vote of the total voting interests of
1900 the association, to provide no reserves or less reserves than
1901 required by this subsection. For a budget adopted on or after
1902 December 31, 2024, the members of a unit-owner-controlled
1903 association that must obtain a structural integrity reserve
1904 study may not determine to provide no reserves or less reserves
1905 than required by this subsection for items listed in paragraph
1906 (g), except that members of an association ~~operating a~~
1907 ~~multicondominium~~ may determine to provide no reserves or less
1908 reserves than required by this subsection if an alternative
1909 funding method is used by the association ~~has been approved by~~
1910 ~~the division.~~

1911 c.(I) Reserves for the items listed in paragraph (g) may be
1912 funded by regular assessments, special assessments, lines of
1913 credit, or loans.

1914 (II) A unit-owner-controlled association that must have a

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1915 structural reserve study may secure a line of credit or a loan
1916 to fund capital expenses required by a milestone inspection
1917 under s. 553.899 or a structural integrity reserve study. A line
1918 of credit or a loan under this subparagraph requires the
1919 approval of a majority vote of the total voting interests of the
1920 association. The line of credit or loan must be sufficient to
1921 fund the cumulative amount of any previously waived or unfunded
1922 portions of the reserve funding amount required by this
1923 paragraph and the most recent structural integrity reserve
1924 study. Funding from the line of credit or loan must be
1925 immediately available for access by the board to fund required
1926 repair, maintenance, or replacement expenses without further
1927 approval by the members of the association. A line of credit or
1928 a loan secured under this sub-subparagraph must be included in
1929 the financial report required under s. 718.111(13).

1930 d. If the local building official, as defined in s.
1931 468.603, determines that the entire condominium building is
1932 uninhabitable due to a natural emergency, as defined in s.
1933 252.34, the board, ~~upon the approval of a majority of its~~
1934 ~~members,~~ may pause the contribution to its reserves or reduce
1935 reserve funding until the local building official determines
1936 that the condominium building is habitable. Any reserve account
1937 funds held by the association may be expended, pursuant to the
1938 board's determination, to make the condominium building and its
1939 structures habitable. Upon the determination by the local
1940 building official that the condominium building is habitable,
1941 the association must immediately resume contributing funds to
1942 its reserves.

1943 e. For a budget adopted on or before December 31, 2028, if

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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 non-developer unit owners have been in control for less than 1 year. 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 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

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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.

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.

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(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, 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 ~~\$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, the visual inspection portion of the structural integrity reserve study must be performed or verified by an engineer licensed

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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 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.

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2060 ~~4.a.3-~~ At a minimum, a structural integrity reserve study
2061 must identify each item of the condominium property being
2062 visually inspected, state the estimated remaining useful life
2063 and the estimated replacement cost or deferred maintenance
2064 expense of each item of the condominium property being visually
2065 inspected, and provide a reserve funding plan or schedule with a
2066 recommended annual reserve amount that achieves the estimated
2067 replacement cost or deferred maintenance expense of each item of
2068 condominium property being visually inspected by the end of the
2069 estimated remaining useful life of the item. At a minimum, the
2070 structural integrity reserve study must include a recommendation
2071 for a reserve funding schedule based on a baseline funding plan
2072 that provides a reserve funding goal in which the reserve
2073 funding for each budget year is sufficient to maintain the
2074 reserve cash balance above zero. The study may recommend other
2075 types of reserve funding schedules, provided that each
2076 recommended schedule is sufficient to meet the association's
2077 maintenance obligation.

2078 b. The structural integrity reserve study may recommend
2079 that reserves do not need to be maintained for any item for
2080 which an estimate of useful life and an estimate of replacement
2081 cost cannot be determined, or the study may recommend a deferred
2082 maintenance expense amount for such item. The structural
2083 integrity reserve study may recommend that reserves for
2084 replacement costs do not need to be maintained for any item with
2085 an estimated remaining useful life of greater than 25 years, but
2086 the study may recommend a deferred maintenance expense amount
2087 for such item. If the structural integrity reserve study
2088 recommends reserves for any item for which reserves are not

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2089 required under this paragraph, the amount of the recommended
2090 reserves for such item must be separately identified in the
2091 structural integrity reserve study as an item for which reserves
2092 are not required under this paragraph.

2093 c. The structural integrity reserve study must take into
2094 consideration the funding method or methods used by the
2095 association to fund its maintenance and reserve funding
2096 obligations through regular assessments, special assessments,
2097 lines of credit, or loans. If the structural integrity reserve
2098 study is performed before the association has approved a special
2099 assessment or secured a line of credit or a loan, the structural
2100 integrity reserve study must be updated to reflect the funding
2101 method selected by the association and its effect on the reserve
2102 funding schedule, including any anticipated change in the amount
2103 of regular assessments. The structural integrity reserve study
2104 may be updated to reflect any changes to the useful life of the
2105 reserve items after such items are repaired or replaced, and the
2106 effect such repair or replacement will have on the reserve
2107 funding schedule. The association must obtain an updated
2108 structural integrity reserve study before adopting any budget in
2109 which the reserve funding from regular assessments, special
2110 assessments, lines of credit, or loans do not align with the
2111 funding plan from the most recent version of the structural
2112 integrity reserve study.

2113 5.4- This paragraph does not apply to buildings less than
2114 three stories in height; single-family, two-family, or three-
2115 family dwellings with three or fewer habitable stories above
2116 ground; any portion or component of a building that has not been
2117 submitted to the condominium form of ownership; or any portion

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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. 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

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2147 financial resources on completing the repair and maintenance
2148 recommendations of the milestone inspection.

2149 10.8. If the officers or directors of an association
2150 willfully and knowingly fail to complete a structural integrity
2151 reserve study pursuant to this paragraph, such failure is a
2152 breach of an officer's or a ~~and~~ director's fiduciary
2153 relationship to the unit owners under s. 718.111(1). An officer
2154 or a director of an association must sign an affidavit
2155 acknowledging receipt of the completed structural integrity
2156 reserve study.

2157 11.9. Within 45 days after receiving the structural
2158 integrity reserve study, the association must distribute a copy
2159 of the study to each unit owner or deliver to each unit owner a
2160 notice that the completed study is available for inspection and
2161 copying upon a written request. Distribution of a copy of the
2162 study or notice must be made by United States mail or personal
2163 delivery to the mailing address, property address, or any other
2164 address of the owner provided to fulfill the association's
2165 notice requirements under this chapter, or by electronic
2166 transmission to the e-mail address or facsimile number provided
2167 to fulfill the association's notice requirements to unit owners
2168 who previously consented to receive notice by electronic
2169 transmission.

2170 12.10. Within 45 days after receiving the structural
2171 integrity reserve study, the association must provide the
2172 division with a statement indicating that the study was
2173 completed and that the association provided or made available
2174 such study to each unit owner in accordance with this section.
2175 The statement must be provided to the division in the manner

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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 7. 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);

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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.

2. Elections, including election and voting requirements under s. 718.112(2)(b) and (d), recall of board members under s. 718.112(2)(l), 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

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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
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,

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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 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

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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 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

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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 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

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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 initiating formal agency action under chapter 120, must afford the officer or board member an opportunity to voluntarily comply, and an officer or board member who complies within 10 days is not subject to a civil penalty. A penalty may be imposed on the basis of each day of continuing violation, but the penalty for any offense may not exceed \$5,000. The division shall adopt~~7~~ by rule~~7~~ penalty guidelines applicable to possible violations or to categories of violations of this chapter or rules adopted by the division. The guidelines must specify a meaningful range of civil penalties for each such violation of the statute and rules and must be based upon the harm caused by the violation, upon the repetition of the violation, and upon such other factors deemed relevant by the division. For example, the division may consider whether the violations were committed by a developer, bulk assignee, or bulk buyer, or owner-controlled association, the size of the association, and other factors. The 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 condominium 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

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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, 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

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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 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.

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(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.

(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

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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 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

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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 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

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2524 2. Accept grants-in-aid from any source.

2525 (r) The division shall cooperate with similar agencies in
2526 other jurisdictions to establish uniform filing procedures and
2527 forms, public offering statements, advertising standards, and
2528 rules and common administrative practices.

2529 (s) The division shall consider notice to a developer, bulk
2530 assignee, or bulk buyer to be complete when it is delivered to
2531 the address of the developer, bulk assignee, or bulk buyer
2532 currently on file with the division.

2533 (t) In addition to its enforcement authority, the division
2534 may issue a notice to show cause, which must provide for a
2535 hearing, upon written request, in accordance with chapter 120.

2536 (u) If the division receives a complaint regarding access
2537 to official records on the association's website or through an
2538 application that can be downloaded on a mobile device under s.
2539 718.111(12)(g), the division may request access to the
2540 association's website or application and investigate. The
2541 division may adopt rules to carry out this paragraph.

2542 (v) The division shall submit to the Governor, the
2543 President of the Senate, the Speaker of the House of
2544 Representatives, and the chairs of the legislative
2545 appropriations committees an annual report that includes, but
2546 need not be limited to, the number of training programs provided
2547 for condominium association board members and unit owners, the
2548 number of complaints received by type, the number and percent of
2549 complaints acknowledged in writing within 30 days and the number
2550 and percent of investigations acted upon within 90 days in
2551 accordance with paragraph (n), and the number of investigations
2552 exceeding the 90-day requirement. The annual report must also

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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 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.

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2582 4. E-mail address and telephone number for the association.

2583 5. Name and board title for each member of the
2584 association's board.

2585 6. Name and contact information of the association's
2586 community association manager or community association
2587 management firm, if applicable.

2588 7. The hyperlink or website address of the association's
2589 website, if applicable.

2590 (b) Total number of buildings and for each building in the
2591 association:

2592 1. Total number of stories, including both habitable and
2593 uninhabitable stories.

2594 2. Total number of units.

2595 3. Age of each building based on the certificate of
2596 occupancy.

2597 4. Any construction commenced within the common elements
2598 within the calendar year.

2599 (c) The association's assessments, including the:

2600 1. Amount of assessment or special assessment by unit type,
2601 including reserves.

2602 2. Purpose of the assessment or special assessment.

2603 3. Name of the financial institution or institutions with
2604 which the association maintains accounts.

2605 (d) A copy of any structural integrity reserve study and
2606 any associated materials requested by the department within 5
2607 business days after such request, in a manner prescribed by the
2608 department.

2609 ~~(a) On or before January 1, 2023, condominium associations~~
2610 ~~existing on or before July 1, 2022, must provide the following~~

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~~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 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 8. 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.—

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(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 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

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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 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

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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.

(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

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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
RECENT YEAR-END FINANCIAL STATEMENT AND ANNUAL BUDGET
~~INFORMATION~~ AND FREQUENTLY ASKED QUESTIONS AND ANSWERS DOCUMENT
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.

(e) 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 association is not required to have a

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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 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

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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
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 9. 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

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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 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

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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. 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.

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2872 ~~j.h.~~ The certification of each director required by s.
2873 718.112(2)(d)4.b.

2874 ~~k.i.~~ All contracts or transactions between the association
2875 and any director, officer, corporation, firm, or association
2876 that is not an affiliated condominium association or any other
2877 entity in which an association director is also a director or
2878 officer and financially interested.

2879 ~~l.j.~~ Any contract or document regarding a conflict of
2880 interest or possible conflict of interest as provided in ss.
2881 468.4335, 468.436(2)(b)6., and 718.3027(3).

2882 ~~m.k.~~ The notice of any unit owner meeting and the agenda
2883 for the meeting, as required by s. 718.112(2)(d)3., no later
2884 than 14 days before the meeting. The notice must be posted in
2885 plain view on the front page of the website or application, or
2886 on a separate subpage of the website or application labeled
2887 "Notices" which is conspicuously visible and linked from the
2888 front page. The association must also post on its website or
2889 application any document to be considered and voted on by the
2890 owners during the meeting or any document listed on the agenda
2891 at least 7 days before the meeting at which the document or the
2892 information within the document will be considered.

2893 ~~n.l.~~ Notice of any board meeting, the agenda, and any other
2894 document required for the meeting as required by s.
2895 718.112(2)(c), which must be posted no later than the date
2896 required for notice under s. 718.112(2)(c).

2897 ~~o.m.~~ The inspection reports described in ss. 553.899 and
2898 718.301(4)(p) and any other inspection report relating to a
2899 structural or life safety inspection of condominium property.

2900 ~~p.n.~~ The association's most recent structural integrity

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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 association's board or its committees.

Section 10. 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

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

Section 11. 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

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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
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

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2988 adviser shall comply with the prudent investor rule in s.
2989 518.11. The investment adviser shall act as a fiduciary to the
2990 association in compliance with the standards set forth in the
2991 Employee Retirement Income Security Act of 1974 at 29 U.S.C. s.
2992 1104(a)(1)(A)-(C). In case of conflict with other laws
2993 authorizing investments, the investment and fiduciary standards
2994 set forth in this subsection must prevail. If at any time the
2995 investment committee determines that an investment adviser does
2996 not meet the requirements of this section, the investment
2997 committee must recommend a replacement investment adviser to the
2998 board.

2999 (e) At least once each calendar year, or sooner if a
3000 substantial financial obligation of the association becomes
3001 known to the board, the association must provide the investment
3002 adviser with the association's investment policy statement, the
3003 most recent reserve study report, the association's structural
3004 integrity report, and the financial reports prepared pursuant to
3005 subsection (13). If there is no recent reserve study report, the
3006 association must provide the investment adviser with a good
3007 faith estimate disclosing the annual amount of reserve funds
3008 necessary for the association to fund reserves fully for the
3009 life of each reserve component and each component's
3010 redundancies. The investment adviser shall annually review these
3011 documents and provide the association with a portfolio
3012 allocation model that is suitably structured and prudently
3013 designed to match projected annual reserve fund requirements and
3014 liability, assets, and liquidity requirements. The investment
3015 adviser shall prepare a funding projection for each reserve
3016 component, including any of the component's redundancies. The

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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 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,

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3046 structural repairs, or other items for which the reserve
3047 accounts have been established. Any surplus of funds that
3048 exceeds the amount required to maintain reasonably funded
3049 reserves must be managed pursuant to s. 718.115.

3050 Section 12. Paragraphs (j) and (k) of subsection (1) of
3051 section 719.106, Florida Statutes, are amended to read:

3052 719.106 Bylaws; cooperative ownership.—

3053 (1) MANDATORY PROVISIONS.—The bylaws or other cooperative
3054 documents shall provide for the following, and if they do not,
3055 they shall be deemed to include the following:

3056 (j) *Annual budget.*—

3057 1. The proposed annual budget of common expenses must be
3058 detailed and must show the amounts budgeted by accounts and
3059 expense classifications, including, if applicable, but not
3060 limited to, those expenses listed in s. 719.504(20). The board
3061 of administration shall adopt the annual budget at least 14 days
3062 before the start of the association's fiscal year. In the event
3063 that the board fails to timely adopt the annual budget a second
3064 time, it is deemed a minor violation and the prior year's budget
3065 shall continue in effect until a new budget is adopted.

3066 2.a. In addition to annual operating expenses, the budget
3067 must include reserve accounts for capital expenditures and
3068 deferred maintenance. These accounts must include, but not be
3069 limited to, roof replacement, building painting, and pavement
3070 resurfacing, regardless of the amount of deferred maintenance
3071 expense or replacement cost, and for any other items for which
3072 the deferred maintenance expense or replacement cost exceeds
3073 \$25,000 ~~\$10,000~~. The amount to be reserved must be computed by
3074 means of a formula which is based upon estimated remaining

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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 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

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

2. 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

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3133 fund the cumulative amount of any previously waived or unfunded
3134 portion of the reserve funding amount required by this paragraph
3135 and the most recent structural integrity reserve study. Funding
3136 from the lines of credit or loans must be immediately available
3137 for access by the board to fund required repair, maintenance, or
3138 replacement expenses without further approval by the members of
3139 the association. Any lines of credit or loans secured under this
3140 paragraph must be included in the financial report required
3141 under s. 719.104(4).

3142 a. For a budget adopted on or before December 31, 2028, if
3143 the association has completed a milestone inspection pursuant to
3144 s. 553.899 within the previous 2 calendar years, the board, upon
3145 the approval of a majority of the total voting interests of the
3146 association, may temporarily pause, for a period of no more than
3147 2 consecutive annual budgets, reserve fund contributions or
3148 reduce the amount of reserve funding for the purpose of funding
3149 repairs recommended by the milestone inspection. This sub-
3150 subparagraph does not apply to a developer-controlled
3151 association and an association in which the non-developer unit
3152 owners have been in control for less than 1 year.

3153 b. An association that has paused reserve contributions
3154 under this sub-subparagraph a. must have a structural integrity
3155 reserve study performed before the continuation of reserve
3156 contributions in order to determine the association's reserve
3157 funding needs and to recommend a reserve funding plan.

3158 3. Reserve funds and any interest accruing thereon shall
3159 remain in the reserve account or accounts, and shall be used
3160 only for authorized reserve expenditures unless their use for
3161 other purposes is approved in advance by a vote of the majority

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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 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.

(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.

c. Fireproofing and fire protection systems.

d. Plumbing.

e. Electrical systems.

f. Waterproofing and exterior painting.

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g. Windows and exterior doors.

h. Any other item that has a deferred maintenance expense or replacement cost that exceeds \$25,000 ~~\$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, 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 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

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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 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

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3249 budget year is sufficient to maintain the reserve cash balance
3250 above zero. The study may recommend other types of reserve
3251 funding schedules, provided that each recommended schedule is
3252 sufficient to meet the association's maintenance obligation.

3253 b. The structural integrity reserve study may recommend
3254 that reserves for replacement costs do not need to be maintained
3255 for any item with an estimated remaining useful life of greater
3256 than 25 years, but the study may recommend a deferred
3257 maintenance expense amount for such item. If the structural
3258 integrity reserve study recommends reserves for any item for
3259 which reserves are not required under this paragraph, the amount
3260 of the recommended reserves for such item must be separately
3261 identified in the structural integrity reserve study as an item
3262 for which reserves are not required under this paragraph.

3263 c. The structural integrity reserve study must take into
3264 consideration the funding method or methods used by the
3265 association to fund its maintenance and reserve funding
3266 obligations through regular assessments, special assessments,
3267 lines of credit, or loans. If the structural integrity reserve
3268 study is performed before the association has approved a special
3269 assessment or secured a line of credit or a loan, the structural
3270 integrity reserve study must be updated to reflect the funding
3271 method selected by the association and its effect on the reserve
3272 funding schedule, including any anticipated change in the amount
3273 of regular assessments. The structural integrity reserve study
3274 may be updated to reflect any changes to the useful life of the
3275 reserve items after such items are repaired or replaced, and the
3276 effect such repair or replacement will have on the reserve
3277 funding schedule. The association must obtain an updated

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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 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

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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 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

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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 13. 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 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.

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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 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

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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 developer or association, or its assignees or agents, for any violation of this chapter or related rule. The division may impose a civil penalty individually against any officer or board member who willfully and knowingly violates a provision of this chapter, a rule adopted pursuant to this chapter, or a final order of the division. The term "willfully and knowingly" means

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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, prior to initiating formal agency action under chapter 120, shall afford the officer or board member an opportunity to voluntarily comply with this chapter, a rule adopted under this chapter, or a final order of the division. An officer or board member who complies within 10 days is not subject to a civil penalty. A penalty may be imposed on the basis of each day of continuing violation, but in no event shall the penalty for any offense exceed \$5,000. The division shall adopt~~7~~ by rule~~7~~ penalty guidelines applicable to possible violations or to categories of violations of this chapter or rules adopted by the division. The guidelines must specify a meaningful range of civil penalties for each such violation of the statute and rules and must be based upon the harm caused by the violation, upon the repetition of the violation, and upon such other factors deemed relevant by the division. For example, the division may consider whether the violations were committed by a developer or owner-controlled association, the size of the association, and other factors. The 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

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3452 meaningful notice to the public of likely penalties that may be
3453 imposed for proscribed conduct. This subsection does not limit
3454 the ability of the division to informally dispose of
3455 administrative actions or complaints by stipulation, agreed
3456 settlement, or consent order. All amounts collected shall be
3457 deposited with the Chief Financial Officer to the credit of the
3458 Division of Florida Condominiums, Timeshares, and Mobile Homes
3459 Trust Fund. If a developer fails to pay the civil penalty, the
3460 division shall thereupon issue an order directing that such
3461 developer cease and desist from further operation until such
3462 time as the civil penalty is paid or may pursue enforcement of
3463 the penalty in a court of competent jurisdiction. If an
3464 association fails to pay the civil penalty, the division shall
3465 thereupon pursue enforcement in a court of competent
3466 jurisdiction, and the order imposing the civil penalty or the
3467 cease and desist order shall not become effective until 20 days
3468 after the date of such order. Any action commenced by the
3469 division shall be brought in the county in which the division
3470 has its executive offices or in the county where the violation
3471 occurred.

3472 (e) The division may prepare and disseminate a prospectus
3473 and other information to assist prospective owners, purchasers,
3474 lessees, and developers of residential cooperatives in assessing
3475 the rights, privileges, and duties pertaining thereto.

3476 (f) The division has authority to adopt rules pursuant to
3477 ss. 120.536(1) and 120.54 to implement and enforce the
3478 provisions of this chapter.

3479 (g) The division shall establish procedures for providing
3480 notice to an association when the division is considering the

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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 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

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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.

(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

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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~~7~~ by rule~~7~~ 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 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:

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(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.

(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.

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3597 (d) A copy of any structural integrity reserve study and
3598 any associated materials requested by the department. The
3599 association must provide such materials within 5 business days
3600 after such request, in a manner prescribed by the department.

3601 ~~(a) On or before January 1, 2023, cooperative associations~~
3602 ~~existing on or before July 1, 2022, must provide the following~~
3603 ~~information to the division in writing, by e-mail, United States~~
3604 ~~Postal Service, commercial delivery service, or hand delivery,~~
3605 ~~at a physical address or e-mail address provided by the division~~
3606 ~~and on a form posted on the division's website:~~

3607 ~~1. The number of buildings on the cooperative property that~~
3608 ~~are three stories or higher in height.~~

3609 ~~2. The total number of units in all such buildings.~~

3610 ~~3. The addresses of all such buildings.~~

3611 ~~4. The counties in which all such buildings are located.~~

3612 ~~(b) The division must compile a list of the number of~~
3613 ~~buildings on cooperative property that are three stories or~~
3614 ~~higher in height, which is searchable by county, and must post~~
3615 ~~the list on the division's website. This list must include all~~
3616 ~~of the following information:~~

3617 ~~1. The name of each association with buildings on the~~
3618 ~~cooperative property that are three stories or higher in height.~~

3619 ~~2. The number of such buildings on each association's~~
3620 ~~property.~~

3621 ~~3. The addresses of all such buildings.~~

3622 ~~4. The counties in which all such buildings are located.~~

3623 ~~(c) An association must provide an update in writing to the~~
3624 ~~division if there are any changes to the information in the list~~
3625 ~~under paragraph (b) within 6 months after the change.~~

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Section 14. 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 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

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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 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

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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 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

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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 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

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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 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

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

Section 16. 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

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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 17. 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
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

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3829 available upon request to the managing entity. Notwithstanding
3830 any requirement of s. 718.111(13) or s. 719.104(4), the audited
3831 financial statements required by this section are the only
3832 annual financial reporting requirements for timeshare
3833 condominiums or timeshare cooperatives.

3834 Section 18. For the purpose of incorporating the amendment
3835 made by this act to section 718.112, Florida Statutes, in
3836 references thereto, paragraph (a) of subsection (7) and
3837 paragraph (c) of subsection (21) of section 718.504, Florida
3838 Statutes, are reenacted to read:

3839 718.504 Prospectus or offering circular.—Every developer of
3840 a residential condominium which contains more than 20
3841 residential units, or which is part of a group of residential
3842 condominiums which will be served by property to be used in
3843 common by unit owners of more than 20 residential units, shall
3844 prepare a prospectus or offering circular and file it with the
3845 Division of Florida Condominiums, Timeshares, and Mobile Homes
3846 prior to entering into an enforceable contract of purchase and
3847 sale of any unit or lease of a unit for more than 5 years and
3848 shall furnish a copy of the prospectus or offering circular to
3849 each buyer. In addition to the prospectus or offering circular,
3850 each buyer shall be furnished a separate page entitled
3851 "Frequently Asked Questions and Answers," which shall be in
3852 accordance with a format approved by the division and a copy of
3853 the financial information required by s. 718.111. This page
3854 shall, in readable language, inform prospective purchasers
3855 regarding their voting rights and unit use restrictions,
3856 including restrictions on the leasing of a unit; shall indicate
3857 whether and in what amount the unit owners or the association is

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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:

(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).

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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.
 - k. Reserves for all applicable items referenced in s. 718.112(2)(g).
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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 19. 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 arising under this section.

Section 20. For the purpose of incorporating the amendment made by this act to sections 718.111, 718.112, and 718.503,

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

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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 21. 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).

Section 22. 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

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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 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

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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:

(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

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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 23. Except as otherwise provided in this act, this act shall take effect July 1, 2025.