

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

595-03812-25

20251742c3

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

595-03812-25

20251742c3

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. 468.4335, F.S.; revising what constitutes a rebuttable presumption of a conflict of interest with a community association manager or a community association management firm; defining the term "compensation"; requiring an association to solicit multiple bids from other third-party providers if a bid that exceeds a specified amount is or may reasonably be construed to be a conflict of interest; providing applicability; deleting a requirement that all contracts and transactional documents related to a proposed activity that is a conflict of interest be attached to the meeting agenda of the next board of administration meeting; requiring the notice of the board meeting to include certain information about the proposed activity that is a conflict of interest; deleting a requirement that the proposed activity be disclosed at the next regular or special meeting of the members; providing that a contract is voidable if

595-03812-25

20251742c3

certain findings are made; providing specifications for terminating a contract; making technical changes; 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 ordinance; requiring specified professionals who bid to perform a milestone inspection 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 milestone inspection; 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 milestone inspection unless such

595-03812-25

20251742c3

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 milestone inspection; 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 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 may terminate a contract with a community association management firm if such firm has its license suspended or revoked,

595-03812-25

20251742c3

effective upon the date of the license suspension or revocation; requiring every condominium association to have adequate property insurance; deleting specified required coverage; providing that the amount of adequate insurance coverage may be based on the replacement cost of the property to be insured, as determined by an independent insurance appraisal or previous appraisal; requiring that such replacement cost be determined according to a specified timeframe; providing that an association's obligation to obtain and provide adequate property insurance may be satisfied by obtaining and maintaining insurance coverage sufficient to cover a specified amount; 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 will be distributed; 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

595-03812-25

20251742c3

prepared; requiring an association board to use best efforts to make prudent investment decisions in fulfilling its duty to manage operating and reserve funds of the association; authorizing an association, including a multicondominium 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; requiring a board to create an investment committee composed of a specified 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 that such advisers 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

595-03812-25

20251742c3

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
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

595-03812-25

20251742c3

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 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

595-03812-25

20251742c3

held; authorizing a unit owner to vote electronically
if the unit owner meeting is conducted via video
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, or within the same
county of, the condominium property if the bylaws are
silent as to the location; 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

595-03812-25

20251742c3

assessments of the previous fiscal year; revising the threshold for deferred maintenance expenses or replacements in reserve accounts; authorizing the 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

595-03812-25

20251742c3

included in the association's financial report;
providing applicability; deleting a requirement that
the majority of the members must approve of the board
pausing 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; requiring the division to annually adjust for
inflation the minimum threshold amount for required
reserves, based on specified criteria; requiring the
division, by a specified date and annually thereafter,
to conspicuously post on its website the inflation-
adjusted minimum threshold amount for required
reserves; revising the items to be included in a
structural integrity reserve study; requiring
specified design professionals or contractors who bid

595-03812-25

20251742c3

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

595-03812-25

20251742c3

349 methods used by the association to fund its
350 maintenance and reserve funding obligations through
351 regular assessments, special assessments, lines of
352 credit, or loans; requiring a structural integrity
353 reserve study that has been performed before the
354 approval of a special assessment or the securing of a
355 line of credit or a loan to be updated to reflect
356 certain information regarding the reserve funding
357 schedule; authorizing a structural integrity reserve
358 study to be updated to reflect changes in the useful
359 life of the reserve items after such items are
360 repaired or replaced, and the effect such repair or
361 replacement will have on the reserve funding schedule;
362 requiring an association to obtain an updated
363 structural integrity reserve study before adopting any
364 budget in which the reserve funding from regular
365 assessments, special assessments, lines of credit, or
366 loans do not align with the funding plan from the most
367 recent version of the structural integrity reserve
368 study; authorizing an association to delay a required
369 structural integrity reserve study for a specified
370 timeframe if it has completed a milestone inspection
371 or similar inspection, for a specified purpose;
372 requiring an officer or director of an association to
373 sign an affidavit acknowledging receipt of the
374 completed structural integrity reserve study;
375 requiring the division to adopt rules for the form for
376 the structural integrity reserve study in coordination
377 with the Florida Building Commission; making technical

595-03812-25

20251742c3

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 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

595-03812-25

20251742c3

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 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

595-03812-25

20251742c3

436 recommend a replacement adviser if the committee
437 determines that an investment adviser is not meeting
438 requirements; requiring the association to provide the
439 investment adviser with specified financial
440 information at least once each calendar year, or
441 sooner if a substantial financial obligation of the
442 association becomes known to the board; requiring the
443 investment adviser to annually review such financial
444 information and provide the association with a
445 portfolio allocation model that is suitably structured
446 and prudently designed to match projected annual
447 reserve fund requirements and liability, assets, and
448 liquidity requirements; requiring the investment
449 adviser to prepare a funding projection for each
450 reserve component, including any of the component's
451 redundancies; requiring that a specified minimum
452 timeframe of projected reserves in cash or cash
453 equivalents be available to the association;
454 authorizing a portfolio managed by an investment
455 adviser to contain any type of investment necessary to
456 meet the objectives in the investment policy
457 statement; providing exceptions; requiring that any
458 funds invested by the investment adviser be held in
459 third-party custodial accounts that are subject to
460 insurance coverage by the Securities Investor
461 Protection Corporation in an amount equal to or
462 greater than the invested amount; authorizing the
463 investment adviser to withdraw investment fees,
464 expenses, and commissions from invested funds;

595-03812-25

20251742c3

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. 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

595-03812-25

20251742c3

loans under certain circumstances; authorizing a unit-owner-controlled association to obtain a line of credit or a loan to fund capital expenses required by a milestone inspection or a structural integrity reserve study; requiring that such lines of credit or loans be approved by a majority vote of the total voting interests of the association; requiring that such lines of credit or loans be sufficient to fund the cumulative amount of any previously waived or unfunded portion of the reserve funding amount and most recent structural integrity reserve study; requiring that funding from such lines of credit or loans be immediately available for access by the board for a specified purpose; authorizing the board to temporarily pause reserve fund contributions or reduce the amount of reserve funding for a specified purpose for a budget adopted on or before a specified date if the association has completed a milestone inspection within a specified timeframe; requiring that such temporary pause or reduction be approved by a majority of the total voting interests of the association; providing applicability; requiring associations that have paused or reduced their reserve funding 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 the division to annually

595-03812-25

20251742c3

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

595-03812-25

20251742c3

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 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 from the most

595-03812-25

20251742c3

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 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. 468.436(2)(b), F.S., relating to disciplinary proceedings, to incorporate the amendment made to s.

595-03812-25

20251742c3

468.4335, F.S., in a reference thereto; 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 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

595-03812-25

20251742c3

639 hold itself out to the public as being able to engage in the
640 business of community association management in this state
641 unless it is licensed by the department as a community
642 association management firm in accordance with the provisions of
643 this part.

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

652 (3) A licensee must create and maintain an online licensure
653 account with the department. Each community association manager
654 must identify on his or her online licensure account the
655 community association management firm for which he or she
656 provides management services and identify each community
657 association for which he or she is the designated onsite
658 community association manager. A licensee must update his or her
659 online licensure account with this information within 30 days
660 after any change to the required information. A community
661 association management firm must identify on its online
662 licensure account the community association managers that it
663 employs to provide community association management services. If
664 a community association manager has his or her license suspended
665 or revoked, the department must give written notice of such
666 suspension or revocation to the community association management
667 firm and the community association for which the manager

595-03812-25

20251742c3

668 performs community management services.

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

671 468.4334 Professional practice standards; liability;
672 community association manager requirements; return of records
673 after termination of contract.—

674 (1)(a) A community association manager or a community
675 association management firm is deemed to act as agent on behalf
676 of a community association as principal within the scope of
677 authority authorized by a written contract or under this
678 chapter. A community association manager or a community
679 association management firm may not knowingly perform any act
680 directed by the community association if such an act violates
681 any state or federal law. A community association manager and a
682 community association management firm shall discharge duties
683 performed on behalf of the association as authorized by this
684 chapter loyally, skillfully, and diligently; dealing honestly
685 and fairly; in good faith; with care and full disclosure to the
686 community association; accounting for all funds; and not
687 charging unreasonable or excessive fees.

688 (b) If a community association manager or a community
689 association management firm has a contract with a community
690 association that is subject to the milestone inspection
691 requirements in s. 553.899, or the structural integrity reserve
692 study requirements in s. 718.112(2)(g) and 719.106(1)(k), the
693 community association manager or the community association
694 management firm must comply with those sections ~~that section~~ as
695 directed by the board.

696 (c) Each contract between a community association and a

595-03812-25

20251742c3

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

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

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

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

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

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

595-03812-25

20251742c3

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

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

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

468.4335 Conflicts of interest.—

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

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

595-03812-25

20251742c3

755 association, for services other than community association
756 management services.

757 (b) A community association manager or a community
758 association management firm, including directors, officers, and
759 persons with a financial interest in a community association
760 management firm, or a relative of such persons, holds an
761 interest in or receives compensation ~~or any thing of value~~ from
762 a person as defined in s. 1.01(3) which ~~corporation, limited~~
763 ~~liability corporation, partnership, limited liability~~
764 ~~partnership, or other business entity that~~ conducts business
765 with the association or proposes to enter into a contract or
766 other transaction with the association. As used in this
767 paragraph, the term "compensation" means any referral fee or
768 other monetary benefit derived from a person as defined in s.
769 1.01(3) which provides products or services to the association,
770 and any ownership interests or profit-sharing arrangements with
771 product or service providers recommended to or used by the
772 association.

773 (2) If the association receives and considers a bid that
774 exceeds \$2,500 to provide a good or service, other than
775 community association management services which is or may
776 reasonably be construed to be a conflict of interest under
777 subsection (1), ~~from a community association manager or a~~
778 ~~community association management firm, including directors,~~
779 ~~officers, and persons with a financial interest in a community~~
780 ~~association management firm, or a relative of such persons,~~ the
781 association must solicit multiple bids from other third-party
782 providers of such goods or services. This subsection does not
783 apply to any activities or the provision of goods or services

595-03812-25

20251742c3

784 that are disclosed in the management services contract as a
785 conflict of interest within the meaning of subsection (1).

786 (3) If a community association manager or a community
787 association management firm, including directors, officers, and
788 persons with a financial interest in a community association
789 management firm, or a relative of such persons, proposes to
790 engage in an activity that is a conflict of interest as
791 described in subsection (1), the proposed activity must be
792 ~~listed on, and all contracts and transactional documents related~~
793 ~~to the proposed activity must be attached to,~~ the meeting agenda
794 of the next board of administration meeting. The notice for the
795 meeting at which the proposed activity will be considered by the
796 board must include a description of the proposed activity,
797 disclose the possible conflict of interest, and include a copy
798 of all contracts and transactional documents related to the
799 proposed activity. The disclosures of a possible conflict of
800 interest must be entered into the written minutes of the
801 meeting. Approval of the contract, including a management
802 contract between the community association and the community
803 association manager or community association management firm, or
804 other transaction requires an affirmative vote of two-thirds of
805 all directors present. ~~At the next regular or special meeting of~~
806 ~~the members, the existence of the conflict of interest and the~~
807 ~~contract or other transaction must be disclosed to the members.~~
808 If a community association manager or community association
809 management firm has previously disclosed a conflict of interest
810 in an existing management contract entered into between the
811 board of directors and the community association manager or
812 community association management firm, the conflict of interest

595-03812-25

20251742c3

813 does not need to be additionally noticed and voted on during the
814 term of such management contract, but, upon renewal, must be
815 noticed and voted on in accordance with this subsection.

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

830 (5) ~~If an association enters into a contract with a~~
831 ~~community association manager or a community association~~
832 ~~management firm, including directors, officers, and persons with~~
833 ~~a financial interest in a community association management firm,~~
834 ~~or a relative of such persons, which is a party to or has an~~
835 ~~interest in an activity that is a possible conflict of interest~~
836 ~~as described in subsection (1) and such activity has not been~~
837 ~~properly disclosed as a conflict of interest or potential~~
838 ~~conflict of interest as required by this section, the contract~~
839 ~~is voidable and terminates upon the association filing a written~~
840 ~~notice terminating the contract with its board of directors~~
841 ~~which contains the consent of at least 20 percent of the voting~~

595-03812-25

20251742c3

~~interests of the association.~~

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

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

553.899 Mandatory structural inspections for condominium and cooperative buildings.—

(3)

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

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

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

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

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

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

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

7. A list of buildings deemed to be unsafe or uninhabitable

595-03812-25

20251742c3

871 due to a milestone inspection.

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

875 (f) Subject to appropriation, the department shall contract
876 with the University of Florida for the purpose of creating a
877 report that provides comprehensive data, evaluation, and
878 analysis on the milestone inspections performed throughout this
879 state during each calendar year or other time period approved by
880 the department. Every local enforcement agency responsible for
881 milestone inspections must provide the university with a copy of
882 any phase one or phase two milestone inspection report by the
883 date specified by the department in a manner prescribed by the
884 university. The university may request any additional
885 information from a local enforcement agency which the university
886 requires to complete this report. The university shall compile
887 the report, and the department shall transmit the report to the
888 Governor, the President of the Senate, and the Speaker of the
889 House of Representatives.

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

595-03812-25

20251742c3

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

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

595-03812-25

20251742c3

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

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

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

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

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

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

(b) Any other method defined by rule of the division which may reasonably be expected to fully satisfy the association's

595-03812-25

20251742c3

958 reserve funding obligations or fund its capital expenditure and
959 deferred maintenance obligations.

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

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

975 718.111 The association.—

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

978 (g) If an association contracts with a community
979 association manager or a community association management firm,
980 the community association manager or community association
981 management firm must possess all applicable licenses required by
982 part VIII of chapter 468. All board members or officers of an
983 association that contracts with a community association manager
984 or a community association management firm have a duty to ensure
985 that the community association manager or community association
986 management firm is properly licensed before entering into a

595-03812-25

20251742c3

contract.

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

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

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

(a) Every condominium association shall have adequate property insurance as determined under this paragraph, regardless of any requirement in the declaration of condominium for certain coverage by the association ~~for full insurable value, replacement cost, or similar coverage, must be based on~~

595-03812-25

20251742c3

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

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

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

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

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

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

595-03812-25

20251742c3

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

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

(12) OFFICIAL RECORDS.—

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

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

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

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

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

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

6. A book or books or electronic records that contain the minutes of all meetings of the association, the board of administration, any committee, and the unit owners, and a

595-03812-25

20251742c3

1074 recording of all such meetings that are conducted by video
1075 conference. If there are approved minutes for a meeting held by
1076 video conference, recordings of meetings that are conducted by
1077 video conference must be maintained for at least 1 year after
1078 the date the video recording is posted as required under
1079 paragraph (g).

1080 7. A current roster of all unit owners and their mailing
1081 addresses, unit identifications, voting certifications, and, if
1082 known, telephone numbers. The association shall also maintain
1083 the e-mail addresses and facsimile numbers of unit owners
1084 consenting to receive notice by electronic transmission. In
1085 accordance with sub-subparagraph (c)5.e., the e-mail addresses
1086 and facsimile numbers are only accessible to unit owners if
1087 consent to receive notice by electronic transmission is
1088 provided, or if the unit owner has expressly indicated that such
1089 personal information can be shared with other unit owners and
1090 the unit owner has not provided the association with a request
1091 to opt out of such dissemination with other unit owners. An
1092 association must ensure that the e-mail addresses and facsimile
1093 numbers are only used for the business operation of the
1094 association and may not be sold or shared with outside third
1095 parties. If such personal information is included in documents
1096 that are released to third parties, other than unit owners, the
1097 association must redact such personal information before the
1098 document is disseminated. However, the association is not liable
1099 for an inadvertent disclosure of the e-mail address or facsimile
1100 number for receiving electronic transmission of notices unless
1101 such disclosure was made with a knowing or intentional disregard
1102 of the protected nature of such information.

595-03812-25

20251742c3

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

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

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

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

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

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

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

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

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

595-03812-25

20251742c3

1132 must be maintained for at least 15 years after the study is
1133 completed.

1134 e. All contracts for work to be performed. Bids for work to
1135 be performed are also considered official records and must be
1136 maintained by the association for at least 1 year after receipt
1137 of the bid.

1138 12. Ballots, sign-in sheets, voting proxies, and all other
1139 papers and electronic records relating to voting by unit owners,
1140 which must be maintained for 1 year from the date of the
1141 election, vote, or meeting to which the document relates,
1142 notwithstanding paragraph (b).

1143 13. All rental records if the association is acting as
1144 agent for the rental of condominium units.

1145 14. A copy of the current question and answer sheet as
1146 described in s. 718.504.

1147 15. A copy of the inspection reports described in ss.
1148 553.899 and 718.301(4) (p) and any other inspection report
1149 relating to a structural or life safety inspection of
1150 condominium property. Such record must be maintained by the
1151 association for 15 years after receipt of the report.

1152 16. Bids for materials, equipment, or services.

1153 17. All affirmative acknowledgments made pursuant to s.
1154 718.121(4) (c).

1155 18. A copy of all building permits.

1156 19. A copy of all satisfactorily completed board member
1157 educational certificates.

1158 20. A copy of all affidavits required by this chapter.

1159 21. A copy of all investment policy statements adopted
1160 pursuant to paragraph (16) (c), and all financial statements

595-03812-25

20251742c3

related to the association's investment of funds under
subsection (16).

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

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

595-03812-25

20251742c3

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

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

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

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

595-03812-25

20251742c3

1219 knowingly or intentionally fails to create or maintain
1220 accounting records that are required to be created or
1221 maintained, with the intent of causing harm to the association
1222 or one or more of its members, commits a misdemeanor of the
1223 first degree, punishable as provided in s. 775.082 or s.
1224 775.083; is personally subject to a civil penalty pursuant to s.
1225 718.501(1)(d); and must be removed from office and a vacancy
1226 declared.

1227 4. A person who willfully and knowingly or intentionally
1228 refuses to release or otherwise produce association records with
1229 the intent to avoid or escape detection, arrest, trial, or
1230 punishment for the commission of a crime, or to assist another
1231 person with such avoidance or escape, commits a felony of the
1232 third degree, punishable as provided in s. 775.082, s. 775.083,
1233 or s. 775.084, and must be removed from office and a vacancy
1234 declared.

1235 5. The association shall maintain an adequate number of
1236 copies of the declaration, articles of incorporation, bylaws,
1237 and rules, and all amendments to each of the foregoing, as well
1238 as the question and answer sheet as described in s. 718.504 and
1239 the most recent annual financial statement and annual budget
1240 ~~year-end financial information~~ required under this section, on
1241 the condominium property to ensure their availability to unit
1242 owners and prospective purchasers, and may charge its actual
1243 costs for preparing and furnishing these documents to those
1244 requesting the documents. An association shall allow a member or
1245 his or her authorized representative to use a portable device,
1246 including a smartphone, tablet, portable scanner, or any other
1247 technology capable of scanning or taking photographs, to make an

595-03812-25

20251742c3

1248 electronic copy of the official records in lieu of the
1249 association's providing the member or his or her authorized
1250 representative with a copy of such records. The association may
1251 not charge a member or his or her authorized representative for
1252 the use of a portable device. Notwithstanding this paragraph,
1253 the following records are not accessible to unit owners:

1254 a. Any record protected by the lawyer-client privilege as
1255 described in s. 90.502 and any record protected by the work-
1256 product privilege, including a record prepared by an association
1257 attorney or prepared at the attorney's express direction, which
1258 reflects a mental impression, conclusion, litigation strategy,
1259 or legal theory of the attorney or the association, and which
1260 was prepared exclusively for civil or criminal litigation or for
1261 adversarial administrative proceedings, or which was prepared in
1262 anticipation of such litigation or proceedings until the
1263 conclusion of the litigation or proceedings.

1264 b. Information obtained by an association in connection
1265 with the approval of the lease, sale, or other transfer of a
1266 unit.

1267 c. Personnel records of association or management company
1268 employees, including, but not limited to, disciplinary, payroll,
1269 health, and insurance records. For purposes of this sub-
1270 subparagraph, the term "personnel records" does not include
1271 written employment agreements with an association employee or
1272 management company, or budgetary or financial records that
1273 indicate the compensation paid to an association employee.

1274 d. Medical records of unit owners.

1275 e. Social security numbers, driver license numbers, credit
1276 card numbers, e-mail addresses, telephone numbers, facsimile

595-03812-25

20251742c3

1277 numbers, emergency contact information, addresses of a unit
1278 owner other than as provided to fulfill the association's notice
1279 requirements, and other personal identifying information of any
1280 person, excluding the person's name, unit designation, mailing
1281 address, property address, and any address, e-mail address, or
1282 facsimile number provided to the association to fulfill the
1283 association's notice requirements. Notwithstanding the
1284 restrictions in this sub-subparagraph, an association may print
1285 and distribute to unit owners a directory containing the name,
1286 unit address, and all telephone numbers of each unit owner.
1287 However, an owner may exclude his or her telephone numbers from
1288 the directory by so requesting in writing to the association. An
1289 owner may consent in writing to the disclosure of other contact
1290 information described in this sub-subparagraph. The association
1291 is not liable for the inadvertent disclosure of information that
1292 is protected under this sub-subparagraph if the information is
1293 included in an official record of the association and is
1294 voluntarily provided by an owner and not requested by the
1295 association.

1296 f. Electronic security measures that are used by the
1297 association to safeguard data, including passwords.

1298 g. The software and operating system used by the
1299 association which allow the manipulation of data, even if the
1300 owner owns a copy of the same software used by the association.
1301 The data is part of the official records of the association.

1302 h. All affirmative acknowledgments made pursuant to s.
1303 718.121(4)(c).

1304 (g)1. By January 1, 2019, an association managing a
1305 condominium with 150 or more units which does not contain

595-03812-25

20251742c3

1306 timeshare units shall post digital copies of the documents
1307 specified in subparagraph 2. on its website or make such
1308 documents available through an application that can be
1309 downloaded on a mobile device. Unless a shorter period is
1310 otherwise required, a document must be made available on the
1311 association's website or made available for download through an
1312 application on a mobile device within 30 days after the
1313 association receives or creates an official record specified in
1314 subparagraph 2.

1315 a. The association's website or application must be:

1316 (I) An independent website, application, or web portal
1317 wholly owned and operated by the association; or

1318 (II) A website, application, or web portal operated by a
1319 third-party provider with whom the association owns, leases,
1320 rents, or otherwise obtains the right to operate a web page,
1321 subpage, web portal, collection of subpages or web portals, or
1322 an application which is dedicated to the association's
1323 activities and on which required notices, records, and documents
1324 may be posted or made available by the association.

1325 b. The association's website or application must be
1326 accessible through the Internet and must contain a subpage, web
1327 portal, or other protected electronic location that is
1328 inaccessible to the general public and accessible only to unit
1329 owners and employees of the association.

1330 c. Upon a unit owner's written request, the association
1331 must provide the unit owner with a username and password and
1332 access to the protected sections of the association's website or
1333 application which contain any notices, records, or documents
1334 that must be electronically provided.

595-03812-25

20251742c3

1335 2. A current copy of the following documents must be posted
1336 in digital format on the association's website or application:

1337 a. The recorded declaration of condominium of each
1338 condominium operated by the association and each amendment to
1339 each declaration.

1340 b. The recorded bylaws of the association and each
1341 amendment to the bylaws.

1342 c. The articles of incorporation of the association, or
1343 other documents creating the association, and each amendment to
1344 the articles of incorporation or other documents. The copy
1345 posted pursuant to this sub-subparagraph must be a copy of the
1346 articles of incorporation filed with the Department of State.

1347 d. The rules of the association.

1348 e. The approved minutes of all board of administration
1349 meetings over the preceding 12 months.

1350 f. The video recording or a hyperlink to the video
1351 recording for all meetings of the association, the board of
1352 administration, any committee, and the unit owners which are
1353 conducted by video conference over the preceding 12 months.

1354 g.e. A list of all executory contracts or documents to
1355 which the association is a party or under which the association
1356 or the unit owners have an obligation or responsibility and,
1357 after bidding for the related materials, equipment, or services
1358 has closed, a list of bids received by the association within
1359 the past year. Summaries of bids for materials, equipment, or
1360 services which exceed \$500 must be maintained on the website or
1361 application for 1 year. In lieu of summaries, complete copies of
1362 the bids may be posted.

1363 h.f. The annual budget required by s. 718.112(2)(f) and any

595-03812-25

20251742c3

proposed budget to be considered at the annual meeting.

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

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

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

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

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

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

595-03812-25

20251742c3

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

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

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

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

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

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

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

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

595-03812-25

20251742c3

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

595-03812-25

20251742c3

adopting such rules, the division shall consider the number of members and annual revenues of an association. Financial reports shall be prepared as follows:

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

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

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

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

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

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

595-03812-25

20251742c3

deferred maintenance, and any other category for which the association maintains reserves.

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

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

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

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

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

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

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

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

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

595-03812-25

20251742c3

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

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

595-03812-25

20251742c3

1538 year. A financial report received by the division pursuant to
1539 this paragraph shall be maintained, and the division shall
1540 provide a copy of such report to an association member upon his
1541 or her request.

1542 (16) INVESTMENT OF ASSOCIATION FUNDS.—

1543 (a) A board shall, in fulfilling its duty to manage
1544 operating and reserve funds of its association, use best efforts
1545 to make prudent investment decisions that carefully consider
1546 risk and return in an effort to maximize returns on invested
1547 funds.

1548 (b) An association, including a multicondominium
1549 association, may invest reserve funds in one or any combination
1550 of certificates of deposit or in depository accounts at a
1551 community bank, savings bank, commercial bank, savings and loan
1552 association, or credit union. Upon a majority vote of the voting
1553 interests, an association may invest reserve funds in
1554 investments other than certificates of deposit or depository
1555 accounts at a community bank, savings bank, commercial bank,
1556 savings and loan association, or credit union, provided the
1557 association complies with paragraphs (c)-(g). Notwithstanding
1558 any declaration, only funds identified as reserve funds may be
1559 invested pursuant to paragraphs (c)-(g). Paragraphs (c)-(g) do
1560 not apply to funds invested in one or any combination of
1561 certificates of deposit or depository accounts at a community
1562 bank, savings bank, commercial bank, savings and loan
1563 association, or credit union.

1564 (c) The board shall create an investment committee composed
1565 of at least two board members and two-unit unit owners who are
1566 not board members. The board shall also adopt rules for invested

595-03812-25

20251742c3

1567 funds, including, but not limited to, rules requiring periodic
1568 reviews of any investment manager's performance, the development
1569 of an investment policy statement, and that all meetings of the
1570 investment committee be recorded and made part of the official
1571 records of the association. The investment policy statement
1572 developed pursuant to this paragraph must, at a minimum, address
1573 risk, liquidity, and benchmark measurements; authorized classes
1574 of investments; authorized investment mixes; limitations on
1575 authority relating to investment transactions; requirements for
1576 projected reserve expenditures within, at minimum, the next 24
1577 months to be held in cash or cash equivalents; projected
1578 expenditures relating to a mandatory structural inspection
1579 performed pursuant to s. 553.899; and protocols for proxy
1580 response.

1581 (d) The investment committee shall recommend investment
1582 advisers to the board, and the board shall select one of the
1583 recommended investment advisers to provide services to the
1584 association. Such investment advisers must be registered or have
1585 notice filed under s. 517.12. The selected investment adviser
1586 and any representative or association of the investment adviser
1587 may not be related by affinity or consanguinity to, or under
1588 common ownership with, any board member, community management
1589 company, reserve study provider, or co-owner of a unit with a
1590 board member or investment committee member. The investment
1591 adviser shall comply with the prudent investor rule in s.
1592 518.11. The investment adviser shall act as a fiduciary to the
1593 association in compliance with the standards set forth in the
1594 Employee Retirement Income Security Act of 1974 at 29 U.S.C. s.
1595 1104(a)(1)(A)-(C). In case of conflict with other laws

595-03812-25

20251742c3

authorizing investments, the investment and fiduciary standards set forth in this subsection must prevail. If at any time the investment committee determines that an investment adviser does not meet the requirements of this section, the investment committee must recommend a replacement investment adviser to the board.

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

(f) Portfolios managed by the investment adviser may contain any type of investment necessary to meet the objectives in the investment policy statement; however, portfolios may not

595-03812-25

20251742c3

contain stocks, securities, or other obligations that the State Board of Administration is prohibited from investing in under s. 215.471, s. 215.4725, or s. 215.473 or that state agencies are prohibited from investing in under s. 215.472, as determined by the investment adviser. Any funds invested by the investment adviser must be held in third-party custodial accounts that are subject to insurance coverage by the Securities Investor Protection Corporation in an amount equal to or greater than the invested amount. The investment adviser may withdraw investment fees, expenses, and commissions from invested funds.

(g) The investment adviser shall:

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

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

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

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

Section 7. Paragraphs (b) through (g) of subsection (2) of

595-03812-25

20251742c3

section 718.112, Florida Statutes, are amended to read:

718.112 Bylaws.—

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

(b) *Quorum; voting requirements; proxies.*—

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

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

595-03812-25

20251742c3

1683 Except as provided in paragraph (d), a proxy, limited or
1684 general, may not be used in the election of board members in a
1685 residential condominium. General proxies may be used for other
1686 matters for which limited proxies are not required, and may be
1687 used in voting for nonsubstantive changes to items for which a
1688 limited proxy is required and given. Notwithstanding this
1689 subparagraph, unit owners may vote in person at unit owner
1690 meetings. This subparagraph does not limit the use of general
1691 proxies or require the use of limited proxies for any agenda
1692 item or election at any meeting of a timeshare condominium
1693 association or a nonresidential condominium association.

1694 3. A proxy given is effective only for the specific meeting
1695 for which originally given and any lawfully adjourned meetings
1696 thereof. A proxy is not valid longer than 90 days after the date
1697 of the first meeting for which it was given. Each proxy is
1698 revocable at any time at the pleasure of the unit owner
1699 executing it.

1700 4. A member of the board of administration or a committee
1701 may submit in writing his or her agreement or disagreement with
1702 any action taken at a meeting that the member did not attend.
1703 This agreement or disagreement may not be used as a vote for or
1704 against the action taken or to create a quorum.

1705 5. A board meeting may be conducted in person or by video
1706 conference. A board or committee member's participation in a
1707 meeting via telephone, real-time videoconferencing, or similar
1708 real-time electronic or video communication counts toward a
1709 quorum, and such member may vote as if physically present. A
1710 speaker must be used so that the conversation of such members
1711 may be heard by the board or committee members attending in

595-03812-25

20251742c3

person as well as by any unit owners present at a meeting. The
division shall adopt rules pursuant to ss. 120.536 and 120.54
governing the requirements for meetings.

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

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

595-03812-25

20251742c3

1741 include a hyperlink and a conference telephone number for unit
1742 owners to attend the meeting via video conference, as well as
1743 the address of the physical location where the unit owners can
1744 attend the meeting in person. If the meeting is conducted via
1745 video conference, it must be recorded and such recording must be
1746 maintained as an official record of the association. If 20
1747 percent of the voting interests petition the board to address an
1748 item of business, the board, within 60 days after receipt of the
1749 petition, shall place the item on the agenda at its next regular
1750 board meeting or at a special meeting called for that purpose.
1751 An item not included on the notice may be taken up on an
1752 emergency basis by a vote of at least a majority plus one of the
1753 board members. Such emergency action must be noticed and
1754 ratified at the next regular board meeting. Written notice of a
1755 meeting at which a nonemergency special assessment or an
1756 amendment to rules regarding unit use will be considered must be
1757 mailed, delivered, or electronically transmitted to the unit
1758 owners and posted conspicuously on the condominium property at
1759 least 14 days before the meeting. Evidence of compliance with
1760 this 14-day notice requirement must be made by an affidavit
1761 executed by the person providing the notice and filed with the
1762 official records of the association.

1763 2. Upon notice to the unit owners, the board shall, by duly
1764 adopted rule, designate a specific location on the condominium
1765 property at which all notices of board meetings must be posted.
1766 ~~If there is no condominium property at which notices can be~~
1767 ~~posted,~~ Notices shall be mailed, delivered, or electronically
1768 transmitted to each unit owner who has consented to receive
1769 electronic notifications at least 14 days before the meeting. In

595-03812-25

20251742c3

1770 ~~lieu of or in~~ addition to the physical posting of the notice on
1771 the condominium property and mailing, delivering, or
1772 electronically transmitting the notice, the association may, by
1773 reasonable rule, adopt a procedure for conspicuously posting and
1774 repeatedly broadcasting the notice and the agenda on a closed-
1775 circuit cable television system serving the condominium
1776 association. ~~However, if broadcast notice is used in lieu of a~~
1777 ~~notice physically posted on condominium property, the notice and~~
1778 ~~agenda must be broadcast at least four times every broadcast~~
1779 ~~hour of each day that a posted notice is otherwise required~~
1780 ~~under this section. If broadcast notice is provided, the notice~~
1781 ~~and agenda must be broadcast in a manner and for a sufficient~~
1782 ~~continuous length of time so as to allow an average reader to~~
1783 ~~observe the notice and read and comprehend the entire content of~~
1784 ~~the notice and the agenda.~~ In addition to any of the authorized
1785 means of providing notice of a meeting of the board, the
1786 association may, by rule, adopt a procedure for conspicuously
1787 posting the meeting notice and the agenda on a website serving
1788 the condominium association for at least the minimum period of
1789 time for which a notice of a meeting is also required to be
1790 physically posted on the condominium property. Any rule adopted
1791 shall, in addition to other matters, include a requirement that
1792 the association send an electronic notice in the same manner as
1793 a notice for a meeting of the members, which must include a
1794 hyperlink to the website at which the notice is posted, to unit
1795 owners whose e-mail addresses are included in the association's
1796 official records.

1797 3. Notice of any meeting in which regular or special
1798 assessments against unit owners are to be considered must

595-03812-25

20251742c3

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

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

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

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

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

(d) *Unit owner meetings.*—

1. An annual meeting of the unit owners must be held at the location provided in the association bylaws and, if the bylaws are silent as to the location, the meeting must be held within 15 miles ~~45 miles~~ of the condominium property or within the same

595-03812-25

20251742c3

1828 county as the condominium property. However, such distance
1829 requirement does not apply to an association governing a
1830 timeshare condominium. If a unit owner meeting is conducted via
1831 video conference, a unit owner may vote electronically in the
1832 manner provided in s. 718.128.

1833 2. Unit owner meetings, including the annual meeting of the
1834 unit owners, may be conducted in person or via video conference.
1835 If the annual meeting of the unit owners is conducted via video
1836 conference, a quorum of the members of the board of
1837 administration must be physically present at the physical
1838 location where unit owners can attend the meeting. The location
1839 must be provided in the association bylaws and, if the bylaws
1840 are silent as to the location, the meeting must be held within
1841 15 miles of the condominium property or within the same county
1842 as the condominium property. If the unit owner meeting is
1843 conducted via video conference, the video conference must be
1844 recorded and such recording must be maintained as an official
1845 record of the association. The division shall adopt rules
1846 pursuant to ss. 120.536 and 120.54 governing the requirements
1847 for meetings.

1848 3.2- Unless the bylaws provide otherwise, a vacancy on the
1849 board caused by the expiration of a director's term must be
1850 filled by electing a new board member, and the election must be
1851 by secret ballot. An election is not required if the number of
1852 vacancies equals or exceeds the number of candidates. For
1853 purposes of this paragraph, the term "candidate" means an
1854 eligible person who has timely submitted the written notice, as
1855 described in sub-subparagraph 4.a., of his or her intention to
1856 become a candidate. Except in a timeshare or nonresidential

595-03812-25

20251742c3

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 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

595-03812-25

20251742c3

1886 comply with sub-subparagraph 4.a. and must be eligible to be a
1887 candidate to serve on the board of directors at the time of the
1888 deadline for submitting a notice of intent to run in order to
1889 have his or her name listed as a proper candidate on the ballot
1890 or to serve on the board. A person who has been suspended or
1891 removed by the division under this chapter, or who is delinquent
1892 in the payment of any assessment due to the association, is not
1893 eligible to be a candidate for board membership and may not be
1894 listed on the ballot. For purposes of this paragraph, a person
1895 is delinquent if a payment is not made by the due date as
1896 specifically identified in the declaration of condominium,
1897 bylaws, or articles of incorporation. If a due date is not
1898 specifically identified in the declaration of condominium,
1899 bylaws, or articles of incorporation, the due date is the first
1900 day of the assessment period. A person who has been convicted of
1901 any felony in this state or in a United States District or
1902 Territorial Court, or who has been convicted of any offense in
1903 another jurisdiction which would be considered a felony if
1904 committed in this state, is not eligible for board membership
1905 unless such felon's civil rights have been restored for at least
1906 5 years as of the date such person seeks election to the board.
1907 The validity of an action by the board is not affected if it is
1908 later determined that a board member is ineligible for board
1909 membership due to having been convicted of a felony. This
1910 subparagraph does not limit the term of a member of the board of
1911 a nonresidential or timeshare condominium.

1912 4.3- The bylaws must provide the method of calling meetings
1913 of unit owners, including annual meetings. Written notice of an
1914 annual meeting must include an agenda; be mailed, hand

595-03812-25

20251742c3

1915 delivered, or electronically transmitted to each unit owner at
1916 least 14 days before the annual meeting; and be posted in a
1917 conspicuous place on the condominium property or association
1918 property at least 14 continuous days before the annual meeting.
1919 Written notice of a meeting other than an annual meeting must
1920 include an agenda; be mailed, hand delivered, or electronically
1921 transmitted to each unit owner; and be posted in a conspicuous
1922 place on the condominium property or association property within
1923 the timeframe specified in the bylaws. If the bylaws do not
1924 specify a timeframe for written notice of a meeting other than
1925 an annual meeting, notice must be provided at least 14
1926 continuous days before the meeting. Upon notice to the unit
1927 owners, the board shall, by duly adopted rule, designate a
1928 specific location on the condominium property or association
1929 property at which all notices of unit owner meetings must be
1930 posted. This requirement does not apply if there is no
1931 condominium property for posting notices. ~~In lieu of, or in~~ In
1932 addition to, the physical posting of meeting notices, the
1933 association may, by reasonable rule, adopt a procedure for
1934 conspicuously posting and repeatedly broadcasting the notice and
1935 the agenda on a closed-circuit cable television system serving
1936 the condominium association. ~~However, if broadcast notice is~~
1937 ~~used in lieu of a notice posted physically on the condominium~~
1938 ~~property, the notice and agenda must be broadcast at least four~~
1939 ~~times every broadcast hour of each day that a posted notice is~~
1940 ~~otherwise required under this section.~~ If broadcast notice is
1941 provided, the notice and agenda must be broadcast in a manner
1942 and for a sufficient continuous length of time so as to allow an
1943 average reader to observe the notice and read and comprehend the

595-03812-25

20251742c3

entire content of the notice and the agenda. In addition to any of the authorized means of providing notice of a meeting of the board, the association may, by rule, adopt a procedure for conspicuously posting the meeting notice and the agenda on a website serving the condominium association for at least the minimum period of time for which a notice of a meeting is also required to be physically posted on the condominium property. Any rule adopted shall, in addition to other matters, include a requirement that the association send an electronic notice in the same manner as a notice for a meeting of the members, which must include a hyperlink to the website at which the notice is posted, to unit owners whose e-mail addresses are included in the association's official records. Unless a unit owner waives in writing the right to receive notice of the annual meeting, such notice must be hand delivered, mailed, or electronically transmitted to each unit owner. Notice for meetings and notice for all other purposes must be mailed to each unit owner at the address last furnished to the association by the unit owner, or hand delivered to each unit owner. However, if a unit is owned by more than one person, the association must provide notice to the address that the developer identifies for that purpose and thereafter as one or more of the owners of the unit advise the association in writing, or if no address is given or the owners of the unit do not agree, to the address provided on the deed of record. An officer of the association, or the manager or other person providing notice of the association meeting, must provide an affidavit or United States Postal Service certificate of mailing, to be included in the official records of the association affirming that the notice was mailed or hand

595-03812-25

20251742c3

delivered in accordance with this provision.

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

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

595-03812-25

20251742c3

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

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

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

(II) Submit to the secretary of the association a

595-03812-25

20251742c3

2031 certificate of having satisfactorily completed the educational
2032 curriculum administered by the division or a division-approved
2033 condominium education provider. The educational curriculum must
2034 be at least 4 hours long and include instruction on milestone
2035 inspections, structural integrity reserve studies, elections,
2036 recordkeeping, financial literacy and transparency, levying of
2037 fines, and notice and meeting requirements.

2038
2039 Each newly elected or appointed director must submit to the
2040 secretary of the association the written certification and
2041 educational certificate within 1 year before being elected or
2042 appointed or 90 days after the date of election or appointment.
2043 A director of an association of a residential condominium who
2044 was elected or appointed before July 1, 2024, must comply with
2045 the written certification and educational certificate
2046 requirements in this sub-subparagraph by June 30, 2025. The
2047 written certification and educational certificate is valid for 7
2048 years after the date of issuance and does not have to be
2049 resubmitted as long as the director serves on the board without
2050 interruption during the 7-year period. A director who is
2051 appointed by the developer may satisfy the educational
2052 certificate requirement in sub-sub-subparagraph (II) for any
2053 subsequent appointment to a board by a developer within 7 years
2054 after the date of issuance of the most recent educational
2055 certificate, including any interruption of service on a board or
2056 appointment to a board in another association within that 7-year
2057 period. One year after submission of the most recent written
2058 certification and educational certificate, and annually
2059 thereafter, a director of an association of a residential

595-03812-25

20251742c3

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

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

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

595-03812-25

20251742c3

or declaration or any law that provides for such action.

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

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

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

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

595-03812-25

20251742c3

2118 bylaws, a board member appointed or elected under this section
2119 shall fill the vacancy for the unexpired term of the seat being
2120 filled. Filling vacancies created by recall is governed by
2121 paragraph (1) and rules adopted by the division.

2122 ~~11.10.~~ This chapter does not limit the use of general or
2123 limited proxies, require the use of general or limited proxies,
2124 or require the use of a written ballot or voting machine for any
2125 agenda item or election at any meeting of a timeshare
2126 condominium association or nonresidential condominium
2127 association.

2128
2129 Notwithstanding subparagraph (b)2. and sub-subparagraph 4.a., an
2130 association of 10 or fewer units may, by affirmative vote of a
2131 majority of the total voting interests, provide for different
2132 voting and election procedures in its bylaws, which may be by a
2133 proxy specifically delineating the different voting and election
2134 procedures. The different voting and election procedures may
2135 provide for elections to be conducted by limited or general
2136 proxy.

2137 (e) *Budget meeting.*—

2138 1. Any meeting at which a proposed annual budget of an
2139 association will be considered by the board or unit owners shall
2140 be open to all unit owners. A meeting of the board or unit
2141 owners at which a proposed annual association budget will be
2142 considered may be conducted by video conference. The division
2143 shall adopt rules pursuant to ss. 120.536 and 120.54 governing
2144 the requirements for such meetings. A sound transmitting device
2145 must be used so that the conversation of such members may be
2146 heard by the board or committee members attending in person, as

595-03812-25

20251742c3

2147 well as any unit owners present at the meeting. At least 14 days
2148 before ~~prior to~~ such a meeting, the board shall hand deliver to
2149 each unit owner, mail to each unit owner at the address last
2150 furnished to the association by the unit owner, or
2151 electronically transmit to the location furnished by the unit
2152 owner for that purpose a notice of such meeting and a copy of
2153 the proposed annual budget. An officer or manager of the
2154 association, or other person providing notice of such meeting,
2155 shall execute an affidavit evidencing compliance with such
2156 notice requirement, and such affidavit shall be filed among the
2157 official records of the association.

2158 2.a. If a board proposes ~~adopts~~ in any fiscal year an
2159 annual budget which requires assessments against unit owners
2160 which exceed 115 percent of assessments for the preceding fiscal
2161 year, the board shall simultaneously propose a substitute budget
2162 that does not include any discretionary expenditures that are
2163 not required to be in the budget. The substitute budget must be
2164 proposed at the budget meeting before the adoption of the annual
2165 budget ~~conduct a special meeting of the unit owners to consider~~
2166 ~~a substitute budget if the board receives, within 21 days after~~
2167 ~~adoption of the annual budget, a written request for a special~~
2168 ~~meeting from at least 10 percent of all voting interests. The~~
2169 ~~special meeting shall be conducted within 60 days after adoption~~
2170 ~~of the annual budget.~~ At least 14 days before such budget
2171 meeting in which a substitute budget will be proposed ~~prior to~~
2172 ~~such special meeting,~~ the board shall hand deliver to each unit
2173 owner, or mail to each unit owner at the address last furnished
2174 to the association, a notice of the meeting. An officer or
2175 manager of the association, or other person providing notice of

595-03812-25

20251742c3

2176 such meeting shall execute an affidavit evidencing compliance
2177 with this notice requirement, and such affidavit shall be filed
2178 among the official records of the association. Unit owners must
2179 ~~may~~ consider and may adopt a substitute budget at the ~~special~~
2180 meeting. A substitute budget is adopted if approved by a
2181 majority of all voting interests unless the bylaws require
2182 adoption by a greater percentage of voting interests. If ~~there~~
2183 ~~is not a quorum at the special meeting or~~ a substitute budget is
2184 not adopted, the annual budget previously initially proposed
2185 ~~adopted~~ by the board may be adopted ~~shall take effect as~~
2186 ~~scheduled~~.

2187 b. Any determination of whether assessments exceed 115
2188 percent of assessments for the prior fiscal year shall exclude
2189 any authorized provision for required ~~reasonable~~ reserves for
2190 repair or replacement of the condominium property, anticipated
2191 expenses of the association which the board does not expect to
2192 be incurred on a regular or annual basis for the repair,
2193 maintenance, or replacement of the items listed in paragraph
2194 (g), and insurance premiums, ~~or assessments for betterments to~~
2195 ~~the condominium property.~~

2196 c. If the developer controls the board, assessments may
2197 ~~shall~~ not exceed 115 percent of assessments for the prior fiscal
2198 year unless approved by a majority of all voting interests.

2199 (f) *Annual budget.*—

2200 1. The proposed annual budget of estimated revenues and
2201 expenses must be detailed and must show the amounts budgeted by
2202 accounts and expense classifications, including, at a minimum,
2203 any applicable expenses listed in s. 718.504(21). The board
2204 shall adopt the annual budget at least 14 days before the start

595-03812-25

20251742c3

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

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

595-03812-25

20251742c3

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

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

595-03812-25

20251742c3

reserves than required by this subsection if an alternative funding method is used by the association ~~has been approved by the division.~~

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

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

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

d. If the local building official, as defined in s.

595-03812-25

20251742c3

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

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

595-03812-25

20251742c3

2321 to recommend a reserve funding plan.

2322 ~~f.b.~~ Before turnover of control of an association by a
2323 developer to unit owners other than a developer under s.
2324 718.301, the developer-controlled association may not vote to
2325 waive the reserves or reduce funding of the reserves. If a
2326 meeting of the unit owners has been called to determine whether
2327 to waive or reduce the funding of reserves and no such result is
2328 achieved or a quorum is not attained, the reserves included in
2329 the budget shall go into effect. After the turnover, the
2330 developer may vote its voting interest to waive or reduce the
2331 funding of reserves.

2332 3. Reserve funds and any interest accruing thereon shall
2333 remain in the reserve account or accounts, and may be used only
2334 for authorized reserve expenditures unless their use for other
2335 purposes is approved in advance by a majority vote of all the
2336 total voting interests of the association. Before turnover of
2337 control of an association by a developer to unit owners other
2338 than the developer pursuant to s. 718.301, the developer-
2339 controlled association may not vote to use reserves for purposes
2340 other than those for which they were intended. For a budget
2341 adopted on or after December 31, 2024, members of a unit-owner-
2342 controlled association that must obtain a structural integrity
2343 reserve study may not vote to use reserve funds, or any interest
2344 accruing thereon, for any other purpose other than the
2345 replacement or deferred maintenance costs of the components
2346 listed in paragraph (g). A vote of the members is not required
2347 for the board to change the accounting method for reserves to a
2348 pooling accounting method or a straight-line accounting method.

2349 4. The only voting interests that are eligible to vote on

595-03812-25

20251742c3

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

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

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

(g) *Structural integrity reserve study.*—

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

595-03812-25

20251742c3

minimum, a study of the following items as related to the structural integrity and safety of the building:

a. Roof.

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

c. Fireproofing and fire protection systems.

d. Plumbing.

e. Electrical systems.

f. Waterproofing and exterior painting.

g. Windows and exterior doors.

h. Any other item that has a deferred maintenance expense or replacement cost that exceeds \$25,000 or the inflation-adjusted amount determined by the division under subparagraph (f)5., whichever is greater, ~~\$10,000~~ and the failure to replace or maintain such item negatively affects the items listed in sub-subparagraphs a.-g., as determined by the visual inspection portion of the structural integrity reserve study.

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

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

b. Any design professional as defined in s. 558.002 or any

595-03812-25

20251742c3

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

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

595-03812-25

20251742c3

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

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

c. The structural integrity reserve study must take into

595-03812-25

20251742c3

2466 consideration the funding method or methods used by the
2467 association to fund its maintenance and reserve funding
2468 obligations through regular assessments, special assessments,
2469 lines of credit, or loans. If the structural integrity reserve
2470 study is performed before the association has approved a special
2471 assessment or secured a line of credit or a loan, the structural
2472 integrity reserve study must be updated to reflect the funding
2473 method selected by the association and its effect on the reserve
2474 funding schedule, including any anticipated change in the amount
2475 of regular assessments. The structural integrity reserve study
2476 may be updated to reflect any changes to the useful life of the
2477 reserve items after such items are repaired or replaced, and the
2478 effect such repair or replacement will have on the reserve
2479 funding schedule. The association must obtain an updated
2480 structural integrity reserve study before adopting any budget in
2481 which the reserve funding from regular assessments, special
2482 assessments, lines of credit, or loans do not align with the
2483 funding plan from the most recent version of the structural
2484 integrity reserve study.

2485 ~~5.4-~~ This paragraph does not apply to buildings less than
2486 three stories in height; single-family, two-family, or three-
2487 family dwellings with three or fewer habitable stories above
2488 ground; any portion or component of a building that has not been
2489 submitted to the condominium form of ownership; or any portion
2490 or component of a building that is maintained by a party other
2491 than the association.

2492 ~~6.5-~~ Before a developer turns over control of an
2493 association to unit owners other than the developer, the
2494 developer must have a turnover inspection report in compliance

595-03812-25

20251742c3

with s. 718.301(4)(p) and (q) for each building on the condominium property that is three stories or higher in height.

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

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

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

~~10.8.~~ If the officers or directors of an association willfully and knowingly fail to complete a structural integrity reserve study pursuant to this paragraph, such failure is a

595-03812-25

20251742c3

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

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

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

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

595-03812-25

20251742c3

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

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

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

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

2. Elections, including election and voting requirements

595-03812-25

20251742c3

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

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

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

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

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

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

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

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

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

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

12. Reporting requirements for structural integrity reserve studies under subsection (3) and under s. 718.112(2) (g)12.

595-03812-25

20251742c3

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

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

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

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

595-03812-25

20251742c3

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

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

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

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

595-03812-25

20251742c3

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

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

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

595-03812-25

20251742c3

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

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

6. The division may impose a civil penalty against a developer, bulk assignee, or bulk buyer, or association, or its assignee or agent, for any violation of this chapter or related rule. The division may impose a civil penalty individually against an officer or board member who willfully and knowingly violates this chapter, an adopted rule, or a final order of the division; may order the removal of such individual as an officer or from the board of administration or as an officer of the association; and may prohibit such individual from serving as an officer or on the board of a community association for a period of time. The term "willfully and knowingly" means that the division informed the officer or board member that his or her action or intended action violates this chapter, a rule adopted under this chapter, or a final order of the division and that the officer or board member refused to comply with the requirements of this chapter, a rule adopted under this chapter, or a final order of the division. The division, before initiating formal agency action under chapter 120, must afford

595-03812-25

20251742c3

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 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

595-03812-25

20251742c3

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

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

8. In addition to subparagraph 6., the division may seek the imposition of a civil penalty through the circuit court for any violation for which the division may issue a notice to show

595-03812-25

20251742c3

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

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

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

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

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

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

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

(k) The division shall provide training and educational

595-03812-25

20251742c3

2814 programs for condominium association board members and unit
2815 owners. The training may, in the division's discretion, include
2816 web-based electronic media and live training and seminars in
2817 various locations throughout the state. The division may review
2818 and approve education and training programs for board members
2819 and unit owners offered by providers and shall maintain a
2820 current list of approved programs and providers and make such
2821 list available to board members and unit owners in a reasonable
2822 and cost-effective manner. The division shall provide the
2823 division-approved provider with the template certificate for
2824 issuance directly to the association's board of directors who
2825 have satisfactorily completed the requirements under s.
2826 718.112(2)(d). The division shall adopt rules to implement this
2827 section.

2828 (l) The division shall maintain a toll-free telephone
2829 number accessible to condominium unit owners.

2830 (m) The division shall develop a program to certify both
2831 volunteer and paid mediators to provide mediation of condominium
2832 disputes. The division shall provide, upon request, a list of
2833 such mediators to any association, unit owner, or other
2834 participant in alternative dispute resolution proceedings under
2835 s. 718.1255 requesting a copy of the list. The division shall
2836 include on the list of volunteer mediators only the names of
2837 persons who have received at least 20 hours of training in
2838 mediation techniques or who have mediated at least 20 disputes.
2839 In order to become initially certified by the division, paid
2840 mediators must be certified by the Supreme Court to mediate
2841 court cases in county or circuit courts. However, the division
2842 may adopt~~7~~ by rule~~7~~ additional factors for the certification of

595-03812-25

20251742c3

2843 paid mediators, which must be related to experience, education,
2844 or background. Any person initially certified as a paid mediator
2845 by the division must, in order to continue to be certified,
2846 comply with the factors or requirements adopted by rule.

2847 (n) If a complaint is made, the division must conduct its
2848 inquiry with due regard for the interests of the affected
2849 parties. Within 30 days after receipt of a complaint, the
2850 division shall acknowledge the complaint in writing and notify
2851 the complainant whether the complaint is within the jurisdiction
2852 of the division and whether additional information is needed by
2853 the division from the complainant. The division shall conduct
2854 its investigation and, within 90 days after receipt of the
2855 original complaint or of timely requested additional
2856 information, take action upon the complaint. However, the
2857 failure to complete the investigation within 90 days does not
2858 prevent the division from continuing the investigation,
2859 accepting or considering evidence obtained or received after 90
2860 days, or taking administrative action if reasonable cause exists
2861 to believe that a violation of this chapter or a rule has
2862 occurred. If an investigation is not completed within the time
2863 limits established in this paragraph, the division shall, on a
2864 monthly basis, notify the complainant in writing of the status
2865 of the investigation. When reporting its action to the
2866 complainant, the division shall inform the complainant of any
2867 right to a hearing under ss. 120.569 and 120.57. The division
2868 may adopt rules regarding the submission of a complaint against
2869 an association.

2870 (o) Condominium association directors, officers, and
2871 employees; condominium developers; bulk assignees, bulk buyers,

595-03812-25

20251742c3

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

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

(q) The division may:

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

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

595-03812-25

20251742c3

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

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

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

(v) The division shall submit to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the chairs of the legislative appropriations committees an annual report that includes, but need not be limited to, the number of training programs provided for condominium association board members and unit owners, the number of complaints received by type, the number and percent of complaints acknowledged in writing within 30 days and the number and percent of investigations acted upon within 90 days in accordance with paragraph (n), and the number of investigations exceeding the 90-day requirement. The annual report must also include an evaluation of the division's core business processes and make recommendations for improvements, including statutory changes. After December 31, 2024, the division must include a list of the associations that have completed the structural integrity reserve study required under s. 718.112(2)(g). The

595-03812-25

20251742c3

report shall be submitted by September 30 following the end of the fiscal year.

(2)

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

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

(a) Contact information for the association that includes:

1. Name of the association.

2. The physical address of the condominium property.

3. Mailing address and county of the association.

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

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

6. Name and contact information of the association's community association manager or community association

595-03812-25

20251742c3

management firm, if applicable.

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

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

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

2. Total number of units.

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

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

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

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

2. Purpose of the assessment or special assessment.

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

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

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

~~1. The number of buildings on the condominium property that~~

595-03812-25

20251742c3

are ~~three stories or higher in height.~~

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

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

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

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

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

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

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

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

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

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

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

(1) DEVELOPER DISCLOSURE.—

(d) *Milestone inspection, turnover inspection report, or structural integrity reserve study.*—If the association is required to have completed a milestone inspection as described in s. 553.899, a turnover inspection report for a turnover inspection performed on or after July 1, 2023, or a structural

595-03812-25

20251742c3

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

1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE INSPECTOR- PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION 718.301(4) (p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS 718.103(26) AND

595-03812-25

20251742c3

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

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

A contract that does not conform to the requirements of this

595-03812-25

20251742c3

paragraph is voidable at the option of the purchaser before
~~prior to~~ closing.

(2) NONDEVELOPER DISCLOSURE.—

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

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

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

595-03812-25

20251742c3

3104 ~~INFORMATION~~ AND FREQUENTLY ASKED QUESTIONS AND ANSWERS DOCUMENT
3105 IF REQUESTED IN WRITING. BUYER'S RIGHT TO VOID THIS AGREEMENT
3106 SHALL TERMINATE AT CLOSING.

3107
3108 A contract that does not conform to the requirements of this
3109 paragraph is voidable at the option of the purchaser before
3110 ~~prior to~~ closing.

3111 (e) If the association is required to have completed a
3112 milestone inspection as described in s. 553.899, a turnover
3113 inspection report for a turnover inspection performed on or
3114 after July 1, 2023, or a structural integrity reserve study, and
3115 the association has not completed the milestone inspection, the
3116 turnover inspection report, or the structural integrity reserve
3117 study, each contract entered into after December 31, 2024, for
3118 the sale of a residential unit shall contain in conspicuous type
3119 a statement indicating that the association is required to have
3120 a milestone inspection, a turnover inspection report, or a
3121 structural integrity reserve study and has not completed such
3122 inspection, report, or study, as appropriate. If the association
3123 is not required to have a milestone inspection as described in
3124 s. 553.899 or a structural integrity reserve study, each
3125 contract entered into after December 31, 2024, for the sale of a
3126 residential unit shall contain in conspicuous type a statement
3127 indicating that the association is not required to have a
3128 milestone inspection or a structural integrity reserve study, as
3129 appropriate. If the association has completed a milestone
3130 inspection as described in s. 553.899, a turnover inspection
3131 report for a turnover inspection performed on or after July 1,
3132 2023, or a structural integrity reserve study, each contract

595-03812-25

20251742c3

entered into after December 31, 2024, for the resale of a residential unit shall contain in conspicuous type:

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

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

595-03812-25

20251742c3

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

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

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

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

718.111 The association.—

(12) OFFICIAL RECORDS.—

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

595-03812-25

20251742c3

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

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

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

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

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

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

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

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

c. The articles of incorporation of the association, or other documents creating the association, and each amendment to

595-03812-25

20251742c3

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

d. The rules of the association.

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

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

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

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

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

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

~~k.i.~~ All contracts or transactions between the association and any director, officer, corporation, firm, or association that is not an affiliated condominium association or any other

595-03812-25

20251742c3

entity in which an association director is also a director or officer and financially interested.

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

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

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

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

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

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

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

s. A copy of all investment policy statements adopted

595-03812-25

20251742c3

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

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

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

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

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

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

595-03812-25

20251742c3

~~finally adjudicated as invalid before October 1, 2024.~~

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

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

(13) INVESTMENT OF ASSOCIATION FUNDS.—

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

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

(c) The board shall create an investment committee composed of at least two board members and two-unit unit members who are unit owners but not board members. The board shall also adopt

595-03812-25

20251742c3

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

(d) The investment committee shall recommend investment
advisers to the board, and the board shall select one of the
recommended investment advisers to provide services to the
association. Such investment advisers must be registered or have
notice filed under s. 517.12. The selected investment adviser
and any representative or association of the investment adviser
may not be related by affinity or consanguinity to, or under
common ownership with, any board member, community management
company, reserve study provider, or a co-owner of a unit with a
board member or investment committee member. The investment
adviser shall comply with the prudent investor rule in s.
518.11. The investment adviser shall act as a fiduciary to the
association in compliance with the standards set forth in the
Employee Retirement Income Security Act of 1974 at 29 U.S.C. s.
1104(a)(1)(A)-(C). In case of conflict with other laws

595-03812-25

20251742c3

authorizing investments, the investment and fiduciary standards set forth in this subsection must prevail. If at any time the investment committee determines that an investment adviser does not meet the requirements of this section, the investment committee must recommend a replacement investment adviser to the board.

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

(f) Portfolios managed by the investment adviser may contain any type of investment necessary to meet the objectives in the investment policy statement; however, portfolios may not

595-03812-25

20251742c3

contain stocks, securities, or other obligations that the State Board of Administration is prohibited from investing in under s. 215.471, s. 215.4725, or s. 215.473 or that state agencies are prohibited from investing in under s. 215.472, as determined by the investment adviser. Any funds invested by the investment adviser must be held in third-party custodial accounts that are subject to insurance coverage by the Securities Investor Protection Corporation in an amount equal to or greater than the invested amount. The investment adviser may withdraw investment fees, expenses, and commissions from invested funds.

(g) The investment adviser shall:

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

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

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

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

Section 13. Paragraphs (j) and (k) of subsection (1) of

595-03812-25

20251742c3

section 719.106, Florida Statutes, are amended to read:

719.106 Bylaws; cooperative ownership.—

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

(j) *Annual budget.*—

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

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

595-03812-25

20251742c3

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

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

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

595-03812-25

20251742c3

less adequate than required, and such result is not attained or a quorum is not attained, the reserves as included in the budget shall go into effect.

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

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

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

595-03812-25

20251742c3

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

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

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

~~4.3.~~ Reserve funds and any interest accruing thereon shall remain in the reserve account or accounts, and shall be used only for authorized reserve expenditures unless their use for other purposes is approved in advance by a vote of the majority of the total voting interests of the association. Before turnover of control of an association by a developer to unit owners other than the developer under s. 719.301, the developer may not vote to use reserves for purposes other than that for

595-03812-25

20251742c3

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

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

(k) *Structural integrity reserve study.*—

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

a. Roof.

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

c. Fireproofing and fire protection systems.

595-03812-25

20251742c3

d. Plumbing.

e. Electrical systems.

f. Waterproofing and exterior painting.

g. Windows and exterior doors.

h. Any other item that has a deferred maintenance expense or replacement cost that exceeds \$25,000 or the inflation-adjusted amount determined by the division under subparagraph (j)5., whichever is greater, ~~\$10,000~~ and the failure to replace or maintain such item negatively affects the items listed in sub-subparagraphs a.-g., as determined by the visual inspection portion of the structural integrity reserve study.

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

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

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

595-03812-25

20251742c3

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

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

595-03812-25

20251742c3

or the study may recommend a deferred maintenance expense amount for such item. At a minimum, the structural integrity reserve study must include a recommendation for a reserve funding schedule based on a baseline funding plan that provides a reserve funding goal in which the reserve funding for each budget year is sufficient to maintain the reserve cash balance above zero. The study may recommend other types of reserve funding schedules, provided that each recommended schedule is sufficient to meet the association's maintenance obligation.

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

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

595-03812-25

20251742c3

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

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

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

~~7.6.~~ Associations existing on or before July 1, 2022, which are controlled by unit owners other than the developer, must have a structural integrity reserve study completed by December 31, 2024, for each building on the cooperative property that is three stories or higher in height. An association that is required to complete a milestone inspection on or before December 31, 2026, in accordance with s. 553.899 may complete

595-03812-25

20251742c3

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

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

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

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

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

595-03812-25

20251742c3

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

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

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

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

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

(1) The Division of Florida Condominiums, Timeshares, and Mobile Homes of the Department of Business and Professional Regulation, referred to as the "division" in this part, in addition to other powers and duties prescribed by chapter 718,

595-03812-25

20251742c3

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

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

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

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

595-03812-25

20251742c3

or to answer questions propounded by the investigating officer and upon reasonable notice to all persons affected thereby, the division may apply to the circuit court for an order compelling compliance.

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

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

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

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

4. The division may impose a civil penalty against a developer or association, or its assignees or agents, for any

595-03812-25

20251742c3

3800 violation of this chapter or related rule. The division may
3801 impose a civil penalty individually against any officer or board
3802 member who willfully and knowingly violates a provision of this
3803 chapter, a rule adopted pursuant to this chapter, or a final
3804 order of the division. The term "willfully and knowingly" means
3805 that the division informed the officer or board member that his
3806 or her action or intended action violates this chapter, a rule
3807 adopted under this chapter, or a final order of the division,
3808 and that the officer or board member refused to comply with the
3809 requirements of this chapter, a rule adopted under this chapter,
3810 or a final order of the division. The division, prior to
3811 initiating formal agency action under chapter 120, shall afford
3812 the officer or board member an opportunity to voluntarily comply
3813 with this chapter, a rule adopted under this chapter, or a final
3814 order of the division. An officer or board member who complies
3815 within 10 days is not subject to a civil penalty. A penalty may
3816 be imposed on the basis of each day of continuing violation, but
3817 in no event shall the penalty for any offense exceed \$5,000. The
3818 division shall adopt~~7~~ by rule~~7~~ penalty guidelines applicable to
3819 possible violations or to categories of violations of this
3820 chapter or rules adopted by the division. The guidelines must
3821 specify a meaningful range of civil penalties for each such
3822 violation of the statute and rules and must be based upon the
3823 harm caused by the violation, upon the repetition of the
3824 violation, and upon such other factors deemed relevant by the
3825 division. For example, the division may consider whether the
3826 violations were committed by a developer or owner-controlled
3827 association, the size of the association, and other factors. The
3828 guidelines must designate the possible mitigating or aggravating

595-03812-25

20251742c3

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

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

595-03812-25

20251742c3

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

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

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

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

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

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

595-03812-25

20251742c3

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

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

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

(n) The division shall develop a program to certify both

595-03812-25

20251742c3

volunteer and paid mediators to provide mediation of cooperative disputes. The division shall provide, upon request, a list of such mediators to any association, unit owner, or other participant in arbitration proceedings under s. 718.1255 requesting a copy of the list. The division shall include on the list of voluntary mediators only persons who have received at least 20 hours of training in mediation techniques or have mediated at least 20 disputes. In order to become initially certified by the division, paid mediators must be certified by the Supreme Court to mediate court cases in county or circuit courts. However, the division may adopt~~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

595-03812-25

20251742c3

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

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

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

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

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

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

595-03812-25

20251742c3

3974 1. Amount of assessment or special assessment by unit type,
3975 including reserves.

3976 2. Purpose of the assessment or special assessment.

3977 3. Name of the financial institution or institutions with
3978 which the association maintains accounts.

3979 (d) A copy of any structural integrity reserve study and
3980 any associated materials requested by the department. The
3981 association must provide such materials within 5 business days
3982 after such request, in a manner prescribed by the department.

3983 ~~(a) On or before January 1, 2023, cooperative associations~~
3984 ~~existing on or before July 1, 2022, must provide the following~~
3985 ~~information to the division in writing, by e-mail, United States~~
3986 ~~Postal Service, commercial delivery service, or hand delivery,~~
3987 ~~at a physical address or e-mail address provided by the division~~
3988 ~~and on a form posted on the division's website:~~

3989 ~~1. The number of buildings on the cooperative property that~~
3990 ~~are three stories or higher in height.~~

3991 ~~2. The total number of units in all such buildings.~~

3992 ~~3. The addresses of all such buildings.~~

3993 ~~4. The counties in which all such buildings are located.~~

3994 ~~(b) The division must compile a list of the number of~~
3995 ~~buildings on cooperative property that are three stories or~~
3996 ~~higher in height, which is searchable by county, and must post~~
3997 ~~the list on the division's website. This list must include all~~
3998 ~~of the following information:~~

3999 ~~1. The name of each association with buildings on the~~
4000 ~~cooperative property that are three stories or higher in height.~~

4001 ~~2. The number of such buildings on each association's~~
4002 ~~property.~~

595-03812-25

20251742c3

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

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

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

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

719.503 Disclosure prior to sale.—

(1) DEVELOPER DISCLOSURE.—

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

595-03812-25

20251742c3

structural integrity reserve study, as appropriate. If the association has completed a milestone inspection as described in s. 553.899, a turnover inspection report for a turnover inspection performed on or after July 1, 2023, or a structural integrity reserve study, each contract entered into after December 31, 2024, for the sale of a residential unit shall contain in conspicuous type:

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

2. A clause which states: THIS AGREEMENT IS VOIDABLE BY BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO CANCEL WITHIN 15 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE INSPECTOR- PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION 719.301(4) (p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS 719.103(24) AND

595-03812-25

20251742c3

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

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

(2) NONDEVELOPER DISCLOSURE.—

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

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

2. A clause which states: THIS AGREEMENT IS VOIDABLE BY BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO

595-03812-25

20251742c3

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

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

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

595-03812-25

20251742c3

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

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

2. A clause which states: THIS AGREEMENT IS VOIDABLE BY BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO CANCEL WITHIN 7 ~~3~~ DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE INSPECTOR- PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF

595-03812-25

20251742c3

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

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

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

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

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

595-03812-25

20251742c3

Professional Regulation.

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

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

468.436 Disciplinary proceedings.—

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

(b)1. Violation of this part.

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

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

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

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

6. Contracting, on behalf of an association, with any entity in which the licensee has a financial interest that is

595-03812-25

20251742c3

not disclosed.

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

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

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

721.13 Management.—

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

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

595-03812-25

20251742c3

later than 5 months after the end of the timeshare plan's fiscal year, that a copy of the audited financial statements is available upon request to the managing entity. Notwithstanding any requirement of s. 718.111(13) or s. 719.104(4), the audited financial statements required by this section are the only annual financial reporting requirements for timeshare condominiums or timeshare cooperatives.

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

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

595-03812-25

20251742c3

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

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

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

595-03812-25

20251742c3

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

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

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

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

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

595-03812-25

20251742c3

4322 718.112(2)(g).

4323 1. Fees payable to the division.

4324 2. Expenses for a unit owner:

4325 a. Rent for the unit, if subject to a lease.

4326 b. Rent payable by the unit owner directly to the lessor or
4327 agent under any recreational lease or lease for the use of
4328 commonly used facilities, which use and payment is a mandatory
4329 condition of ownership and is not included in the common expense
4330 or assessments for common maintenance paid by the unit owners to
4331 the association.

4332 Section 21. For the purpose of incorporating the amendment
4333 made by this act to section 718.112, Florida Statutes, in
4334 references thereto, paragraph (d) of subsection (1) of section
4335 718.618, Florida Statutes, is reenacted to read:

4336 718.618 Converter reserve accounts; warranties.—

4337 (1) When existing improvements are converted to ownership
4338 as a residential condominium, the developer shall establish
4339 converter reserve accounts for capital expenditures and deferred
4340 maintenance, or give warranties as provided by subsection (6),
4341 or post a surety bond as provided by subsection (7). The
4342 developer shall fund the converter reserve accounts in amounts
4343 calculated as follows:

4344 (d) In addition to establishing the reserve accounts
4345 specified above, the developer shall establish those other
4346 reserve accounts required by s. 718.112(2)(f), and shall fund
4347 those accounts in accordance with the formula provided therein.
4348 The vote to waive or reduce the funding or reserves required by
4349 s. 718.112(2)(f) does not affect or negate the obligations
4350 arising under this section.

595-03812-25

20251742c3

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

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

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

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

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

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

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

595-03812-25

20251742c3

statement in conspicuous type:

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

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

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

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

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

719.103 Definitions.—As used in this chapter:

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

Section 24. For the purpose of incorporating the amendment

595-03812-25

20251742c3

made by this act to section 719.106, Florida Statutes, in references thereto, paragraph (a) of subsection (7) and paragraph (c) of subsection (20) of section 719.504, Florida Statutes, are reenacted to read:

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

595-03812-25

20251742c3

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

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

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

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

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

(c) The estimated items of expenses of the cooperative and

595-03812-25

20251742c3

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

1. Expenses for the association and cooperative:

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

719.106(1) (k).

1. Fee payable to the division.

2. Expenses for a unit owner:

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

Section 25. Except as otherwise provided in this act, this act shall take effect July 1, 2025.