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 1 A bill to be entitled 2 An act relating to condominium and cooperative 3 associations; amending s. 468.432, F.S.; prohibiting a 4 person whose community association manager license is 5 revoked from having an indirect or direct ownership 6 interest in, or being an employee, a partner, an 7 officer, a director, or a trustee of, a community 8 association management firm for a specified timeframe; 9 requiring a licensee to create and maintain an online 10 licensure account with the Department of Business and 11 Professional Regulation; requiring a community 12 association manager to identify on his or her online 13 licensure account certain information; requiring a licensee to provide specific information on his or her 14 15 online licensure account; requiring that such 16 information be updated within a specified timeframe; 17 requiring a community association management firm to 18 identify on its online licensure account the community association managers that it employs to provide 19 20 community association management services; requiring 21 the department to give written notice to the community 22 association management firm and the community 23 association if the community association manager has 24 his or her license suspended or revoked; amending s. 25 468.4334, F.S.; prohibiting a community association manager or a community association management firm 2.6 27 from knowingly performing any act directed by the 28 community association if such act violates any state 29 or federal law; revising the contractual obligations a

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30	community association manager or a community
31	association management firm has with the association
32	board; requiring that such contract include a certain
33	statement, if applicable to the type of management
34	services provided in the contract; prohibiting such
35	contracts from waiving or limiting certain
36	professional practice standards; requiring a community
37	association to include specified information on its
38	website or mobile application, if such association is
39	required to maintain official records on a website or
40	an application; conforming provisions to changes made
41	by the act; amending s. 468.4335, F.S.; revising what
42	constitutes a rebuttable presumption of a conflict of
43	interest with a community association manager or a
44	community association management firm; defining the
45	term "compensation"; requiring an association to
46	solicit multiple bids from other third-party providers
47	if a bid that exceeds a specified amount is or may
48	reasonably be construed to be a conflict of interest;
49	providing applicability; deleting a requirement that
50	all contracts and transactional documents related to a
51	proposed activity that is a conflict of interest be
52	attached to the meeting agenda of the next board of
53	administration meeting; requiring the notice of the
54	board meeting to include certain information about the
55	proposed activity that is a conflict of interest;
56	deleting a requirement that the proposed activity be
57	disclosed at the next regular or special meeting of
58	the members; providing that a contract is voidable if

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59 certain findings are made; providing specifications 60 for terminating a contract; making technical changes; 61 amending s. 553.899, F.S.; requiring the local 62 enforcement agency responsible for milestone 63 inspections to provide to the Department of Business 64 and Professional Regulation certain information in an 65 electronic format; specifying the information to be provided to the department; requiring the department 66 to contract with the University of Florida for the 67 68 creation of a report that provides certain information 69 on milestone inspections during a specified timeframe; 70 requiring a local enforcement agency to provide the 71 university with certain information; authorizing the 72 university to request any additional information from 73 a local enforcement agency required to complete the 74 report; requiring the university to compile the report 75 and the department to transmit the report to the 76 Governor and the Legislature; requiring, rather than 77 authorizing, the board of county commissioners or a 78 municipal governing body to adopt a specified 79 ordinance; requiring specified professionals who bid 80 to perform a milestone inspection to disclose to the 81 association in writing their intent to bid on services related to any maintenance, repair, or replacement 82 83 that may be recommended by the milestone inspection; prohibiting such professionals from having any 84 85 interest in or being related to any person having any 86 interest in the firm or entity providing the 87 association's milestone inspection unless such

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88	relationship is disclosed in writing; defining the
89	term "relative"; providing that a contract for
90	services is voidable and terminates upon the
91	association filing a written notice terminating such a
92	contract if such professionals fail to provide a
93	written disclosure of such relationship with the firm
94	conducting the milestone inspection; providing that
95	such professionals may be subject to discipline for
96	failure to provide such written disclosure; amending
97	s. 718.103, F.S.; revising the definition of the term
98	"alternative funding method"; defining the term "video
99	conference"; amending s. 718.111, F.S.; requiring a
100	community association manager or a community
101	association management firm that contracts with a
102	community association to possess specific licenses;
103	providing that all board members or officers of a
104	community association that contracts with a community
105	association manager or a community association
106	management firm have a duty to ensure that the
107	community association manager or community association
108	management firm is properly licensed before entering
109	into a contract; authorizing a community association
110	to terminate a contract with a community association
111	manager or a community association management firm if
112	the manager's or management firm's license is
113	suspended or revoked during the term of the contract;
114	providing that a community association may terminate a
115	contract with a community association management firm
116	if such firm has its license suspended or revoked,

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117	effective upon the date of the license suspension or
118	revocation; requiring every condominium association to
119	have adequate property insurance; deleting specified
120	required coverage; providing that the amount of
121	adequate insurance coverage may be based on the
122	replacement cost of the property to be insured, as
123	determined by an independent insurance appraisal or
124	previous appraisal; requiring that such replacement
125	cost be determined according to a specified timeframe;
126	providing that an association's obligation to obtain
127	and provide adequate property insurance may be
128	satisfied by obtaining and maintaining insurance
129	coverage sufficient to cover a specified amount;
130	revising which items constitute the official records
131	of the association; requiring that certain documents
132	be posted on certain associations' websites or made
133	available for download through an application on a
134	mobile device within a specified timeframe; revising
135	which documents must be posted in digital format on
136	the association's website or application; revising the
137	timeframe in which the association must deliver a copy
138	of the most recent financial report or a notice that a
139	copy of the most recent financial report will be
140	distributed; revising the methods of delivery for a
141	copy of the most recent association financial report
142	to include electronic delivery via the Internet;
143	requiring that an officer or a director execute an
144	affidavit as evidence of compliance with the delivery
145	requirement; revising how financial reports are

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146	prepared; requiring an association board to use best
147	efforts to make prudent investment decisions in
148	fulfilling its duty to manage operating and reserve
149	funds of the association; authorizing an association,
150	including a multicondominium association, to invest
151	reserve funds in specified financial institutions;
152	authorizing such associations to place reserve funds
153	in other investments upon a majority vote of the
154	voting interests of the association; providing
155	restrictions; prohibiting any funds not identified as
156	reserve funds from being used for investments;
157	requiring a board to create an investment committee
158	composed of a specified minimum number of board
159	members; requiring the board to adopt rules; requiring
160	that all meetings of the investment committee be
161	recorded and made part of the official records of the
162	association; requiring that the investment policy
163	statement developed pursuant to certain provisions
164	address specified issues; requiring the investment
165	committee to recommend investment advisers to the
166	board; requiring the board to select one of the
167	recommended investment advisers to provide services to
168	the association; requiring that such advisers be
169	registered; prohibiting an investment adviser from
170	being related to any board member, community
171	management company, reserve study provider, or co-
172	owner of a unit with a board member or investment
173	committee member; requiring investment advisers to
174	comply with the prudent investor rule; requiring an

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175	adviser to act as a fiduciary to the association;
176	providing that the investment and fiduciary standards
177	required by the act take precedence over any
178	conflicting law; requiring the investment committee to
179	recommend a replacement adviser if the committee
180	determines that an investment adviser is not meeting
181	requirements; requiring the association to provide the
182	investment adviser with specified financial
183	information at least once each calendar year, or
184	sooner if a substantial financial obligation of the
185	association becomes known to the board; requiring the
186	investment adviser to annually review such financial
187	information and provide the association with a
188	portfolio allocation model that is suitably structured
189	and prudently designed to match projected annual
190	reserve fund requirements and liability, assets, and
191	liquidity requirements; requiring the investment
192	adviser to prepare a funding projection for each
193	reserve component, including any of the component's
194	redundancies; requiring that a specified minimum
195	timeframe of projected reserves in cash or cash
196	equivalents be available to the association;
197	authorizing a portfolio managed by an investment
198	adviser to contain any type of investment necessary to
199	meet the objectives in the investment policy
200	statement; providing exceptions; requiring that any
201	funds invested by the investment adviser be held in
202	third-party custodial accounts that are subject to
203	insurance coverage by the Securities Investor

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204	Protection Corporation in an amount equal to or
205	greater than the invested amount; authorizing the
206	investment adviser to withdraw investment fees,
207	expenses, and commissions from invested funds;
208	requiring the investment adviser to annually provide
209	the association with a written certification of
210	compliance with certain provisions and provide the
211	association with a list of certain stocks, securities,
212	and other obligations; requiring the investment
213	adviser to submit monthly, quarterly, and annual
214	reports to the association, prepared in accordance
215	with established financial industry standards;
216	requiring that any principal, earnings, or interest
217	managed be available to the association at no cost
218	within a specified timeframe after the association's
219	written or electronic request; requiring that
220	unallocated income earned on reserve fund investments
221	be spent only on specified expenditures; amending s.
222	718.112, F.S.; authorizing an association board
223	meeting to be conducted in person or by video
224	conference; requiring the Division of Florida
225	Condominiums, Timeshares, and Mobile Homes to adopt
226	rules; requiring that notice for board meetings
227	conducted via video conference contain specific
228	information; requiring that such meetings be recorded
229	and maintained as an official record of the
230	association; revising how notice may be sent to unit
231	owners; revising the distance from the condominium
232	property within which a unit owner meeting must be

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233	held; authorizing a unit owner to vote electronically
234	if the unit owner meeting is conducted via video
235	conference; authorizing unit owner meetings to be
236	conducted in person or via video conference;
237	specifying what constitutes a quorum for meetings held
238	via video conference; requiring that the location of
239	the meeting be provided in the association bylaws or
240	within a specified distance from, or within the same
241	county of, the condominium property if the bylaws are
242	silent as to the location; requiring that meetings
243	held via video conference be recorded and be
244	maintained as an official record of the association;
245	requiring the division to adopt rules; revising the
246	method of serving notices of unit owner meetings;
247	authorizing budget meetings to be conducted via video
248	conference; requiring the division to adopt rules;
249	requiring that a sound transmitting device be used at
250	such meetings for a specified purpose; revising a
251	provision that a board proposing a budget that
252	requires a certain special assessment against unit
253	owners to simultaneously propose a substitute budget
254	that meets certain requirements, rather than conduct a
255	special meeting of the unit owners to consider a
256	substitute budget after the adoption of the annual
257	budget; requiring unit owners, rather than authorizing
258	them, to consider a substitute budget; authorizing the
259	annual budget initially proposed to be adopted by the
260	board; revising the criteria used in determining
261	whether assessments exceed the specified percentage of

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262	assessments of the previous fiscal year; revising the
263	threshold for deferred maintenance expenses or
264	replacements in reserve accounts; authorizing the
265	members to vote to waive the maintenance of reserves
266	recommended in the most recent structural integrity
267	reserve study under certain circumstances; revising
268	the provision that any association, rather than an
269	association operating a multicondominium, may
270	determine to provide no reserves or less reserves than
271	required if an alternative funding method is used by
272	the association; deleting the requirement that the
273	division approve the funding method; providing that
274	specified reserves may be funded by regular
275	assessments, special assessments, lines of credit, or
276	loans under certain circumstances; authorizing a unit-
277	owner-controlled association that is required to have
278	a structural reserve study to obtain a line of credit
279	or a loan to fund capital expenses required by a
280	milestone inspection or a structural integrity reserve
281	study; requiring that such line of credit or loan be
282	approved by a majority of the total voting interests
283	of the association; requiring that such line of credit
284	or loan be sufficient to fund the cumulative amount of
285	any previously waived or unfunded portions of the
286	reserve funding amount and the most recent structural
287	integrity reserve study; requiring that funding from
288	the line of credit or loan be immediately available
289	for access by the board for a specified purpose;
290	requiring that such lines of credit or loans be

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291	included in the association's financial report;
292	providing applicability; deleting a requirement that
293	the majority of the members must approve of the board
294	pausing contributions to the association's reserves
295	for a specified purpose; authorizing the board to
296	temporarily pause reserve fund contributions or reduce
297	the amount of reserve funding for a specified purpose
298	for a budget adopted on or before a specified date if
299	the association has completed a milestone inspection
300	within a specified timeframe and such inspection
301	recommended certain repairs; requiring that such
302	temporary pause or reduction be approved by a majority
303	of the total voting interests of the association;
304	providing applicability; requiring associations that
305	have paused or reduced their reserve funding to have a
306	structural integrity reserve study performed before
307	the continuation of reserve contributions for
308	specified purposes; providing that a vote of the
309	members is not required for the board to change the
310	accounting method for reserves to specified accounting
311	methods; requiring the division to annually adjust for
312	inflation the minimum threshold amount for required
313	reserves, based on specified criteria; requiring the
314	division, by a specified date and annually thereafter,
315	to conspicuously post on its website the inflation-
316	adjusted minimum threshold amount for required
317	reserves; revising the items to be included in a
318	structural integrity reserve study; requiring
319	specified design professionals or contractors who bid

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595-03812-25 20251742c3 320 to perform a structural integrity reserve study to 321 disclose in writing to the association their intent to 322 bid on any services related to the maintenance, 323 repair, or replacement that may be recommended by the 324 structural integrity reserve study; prohibiting such 325 professionals or contractors from having any interest 326 in or being related to any person having any interest 327 in the firm or entity providing the association's 328 structural integrity reserve study unless such 329 relationship is disclosed in writing; defining the 330 term "relative"; providing that a contract for 331 services is voidable and terminates upon the 332 association filing a written notice terminating such a 333 contract if such professional or contractor fails to 334 provide a written disclosure of such relationship with 335 the firm conducting the structural integrity reserve 336 study; providing that such professional or contractor 337 may be subject to discipline for his or her failure to 338 provide such written disclosure; requiring that a 339 structural integrity reserve study include a 340 recommendation for a reserve funding schedule based on 341 specified criteria; authorizing the study to recommend 342 other types of reserve funding schedules, provided each recommended schedule is sufficient to meet the 343 344 association's maintenance obligations; requiring that 345 reserves not required for certain items be separately 346 identified as such in the structural integrity reserve 347 study; requiring the structural integrity reserve 348 study to take into consideration the funding method or

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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

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378	changes; amending s. 718.501, F.S.; revising the
379	duties of the Division of Florida Condominiums,
380	Timeshares, and Mobile Homes regarding investigation
381	of complaints; requiring condominium associations to
382	create and maintain an online account with the
383	division; requiring board members to maintain accurate
384	contact information on file with the division;
385	requiring the division to adopt rules; requiring all
386	condominium associations to create and maintain an
387	online account with the division; requiring all
388	condominium associations to provide specified
389	information to the division by a specified date;
390	requiring that such information be updated within a
391	specified timeframe; requiring the division to adopt
392	rules; authorizing the division to require condominium
393	associations to provide information to the division;
394	specifying the information to be provided to the
395	division; amending s. 718.503, F.S.; revising the
396	disclosures that must be included in a contract for
397	the sale and resale of a residential unit; amending s.
398	8 of chapter 2024-244, Laws of Florida, as amended;
399	revising the documents required to be posted on
400	certain associations' websites or be made available
401	through download using an application on a mobile
402	device; amending s. 31 of chapter 2024-244, Laws of
403	Florida; revising applicability; amending s. 719.104,
404	F.S.; requiring a board to use best efforts to make
405	prudent investment decisions in fulfilling its duty to
406	manage operating and reserve funds of the cooperative
•	

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595-03812-25 20251742c3 407 association; authorizing an association to invest 408 reserve funds in specified financial institutions; 409 authorizing such associations to place reserve funds 410 in other investments upon a majority vote of the 411 voting interests of the association; providing 412 restrictions; prohibiting any funds not identified as 413 reserve funds from being used for investments; 414 providing applicability; requiring a board to create an investment committee composed of a specified 415 416 minimum number of board members; requiring the board 417 to adopt rules; requiring that all meetings of the 418 investment committee be recorded and made part of the 419 official records of the association; requiring that 420 the investment policy statement developed pursuant to 421 certain provisions address specified issues; requiring 422 the investment committee to recommend investment 423 advisers to the board; requiring the board to select 424 one of the recommended investment advisers to provide 425 services to the association; requiring such advisers 426 to be registered; prohibiting an investment adviser 427 from being related to any board member, community 428 management company, reserve study provider, or co-429 owner of a unit with a board member or investment 430 committee member; requiring investment advisers to 431 comply with the prudent investor rule; requiring an 432 adviser to act as a fiduciary to the association; 433 providing that the investment and fiduciary standards 434 required by the act take precedence over any 435 conflicting law; requiring the investment committee to

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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;

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465	requiring the investment adviser to annually provide
466	the association with a written certification of
467	compliance with certain provisions and provide the
468	association with a list of certain stocks, securities,
469	and other obligations; requiring the investment
470	adviser to submit monthly, quarterly, and annual
471	reports to the association, prepared in accordance
472	with established financial industry standards;
473	requiring that any principal, earnings, or interest
474	managed be available to the association at no cost
475	within a specified timeframe after the association's
476	written or electronic request; requiring that
477	unallocated income earned on reserve fund investments
478	be spent only on specified expenditures; amending s.
479	719.106, F.S.; revising the deferred maintenance
480	expense or replacement costs threshold that must be in
481	reserve accounts; authorizing the board to pause
482	contributions to its reserves or reduce reserve
483	funding if a local building official determines the
484	entire cooperative building is uninhabitable due to a
485	natural emergency; authorizing any reserve account
486	fund held by the association to be expended to make
487	the cooperative building and its structures habitable,
488	pursuant to the board's determination; requiring the
489	association to immediately resume contributing funds
490	to its reserves once the local building official
491	determines that the cooperative building is habitable;
492	authorizing certain reserves be funded by regular
493	assessments, special assessments, lines of credit, or

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595-03812-25 20251742c3 494 loans under certain circumstances; authorizing a unit-495 owner-controlled association to obtain a line of 496 credit or a loan to fund capital expenses required by 497 a milestone inspection or a structural integrity 498 reserve study; requiring that such lines of credit or 499 loans be approved by a majority vote of the total 500 voting interests of the association; requiring that 501 such lines of credit or loans be sufficient to fund the cumulative amount of any previously waived or 502 503 unfunded portion of the reserve funding amount and 504 most recent structural integrity reserve study; 505 requiring that funding from such lines of credit or 506 loans be immediately available for access by the board 507 for a specified purpose; authorizing the board to 508 temporarily pause reserve fund contributions or reduce 509 the amount of reserve funding for a specified purpose 510 for a budget adopted on or before a specified date if 511 the association has completed a milestone inspection 512 within a specified timeframe; requiring that such 513 temporary pause or reduction be approved by a majority 514 of the total voting interests of the association; 515 providing applicability; requiring associations that 516 have paused or reduced their reserve funding 517 contributions to have a structural integrity reserve 518 study performed before the continuation of reserve 519 contributions for specified purposes; providing that a 520 vote of the members is not required for the board to 521 change the accounting method for reserves to specified 522 accounting methods; requiring the division to annually

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523	adjust for inflation the minimum threshold amount for
524	required reserves, based on specified criteria;
525	requiring the division, by a specified date and
526	annually thereafter, to conspicuously post on its
527	website the inflation-adjusted minimum threshold
528	amount for required reserves; requiring specified
529	design professionals or contractors, rather than any
530	person qualified to perform a structural integrity
531	reserve study, to perform structural integrity reserve
532	studies; requiring such design professionals or
533	contractors who bid to perform a structural integrity
534	reserve study to disclose in writing to the
535	association their intent to bid on any services
536	related to the maintenance, repair, or replacement
537	that may be recommended by the structural integrity
538	reserve study; prohibiting such professionals or
539	contractors from having any interest in or being
540	related to any person having any interest in the firm
541	or entity providing the association's structural
542	integrity reserve study unless such relationship is
543	disclosed in writing; defining the term "relative";
544	providing that a contract for services is voidable and
545	terminates upon the association filing a written
546	notice terminating such a contract if such
547	professional or contractor fails to provide a written
548	disclosure of such relationship with the firm
549	conducting the structural integrity reserve study;
550	providing that such professional or contractor may be
551	subject to discipline for his or her failure to

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552 provide such written disclosure; requiring that a 553 structural integrity reserve study include a 554 recommendation for a reserve funding schedule based on 555 specified criteria; authorizing the study to recommend 556 other types of reserve funding schedules, provided 557 each recommended schedule is sufficient to meet the 558 association's maintenance obligation; requiring that 559 reserves not required for certain items be separately 560 identified as such in the structural integrity reserve 561 study; requiring the structural integrity reserve 562 study to take into consideration the funding method or 563 methods used by the association to fund its 564 maintenance and reserve funding obligations through 565 regular assessments, special assessments, lines of 566 credit, or loans; requiring a structural integrity 567 reserve study that has been performed before the 568 approval of a special assessment or the securing of a 569 line of credit or a loan to be updated to reflect 570 certain information regarding the reserve funding 571 schedule; authorizing a structural integrity reserve 572 study to be updated to reflect changes in the useful 573 life of the reserve items after such items are 574 repaired or replaced, and the effect of such repair or 575 replacement will have on the reserve funding schedule; 576 requiring an association to obtain an updated 577 structural integrity reserve study before adopting any 578 budget in which the reserve funding from regular 579 assessments, special assessments, lines of credit, or 580 loans do not align with the funding plan from the most

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581	recent version of the structural integrity reserve
582	study; authorizing an association to delay a required
583	structural integrity reserve study for a specified
584	timeframe if it has completed a milestone inspection
585	or similar inspection, for a specified purpose;
586	requiring an officer or a director of the association
587	to sign an affidavit acknowledging receipt of the
588	completed structural integrity reserve study;
589	requiring the division to adopt by rule the form for
590	the structural integrity reserve study in coordination
591	with the Florida Building Commission; amending s.
592	719.501, F.S.; requiring a cooperative association to
593	create and maintain an online account with the
594	division; requiring board members to maintain accurate
595	contact information on file with the division;
596	requiring the division to adopt rules; authorizing the
597	division to require cooperative associations to
598	provide information to the division no more than once
599	per year; providing an exception; requiring the
600	division to provide associations a specified timeframe
601	to provide any required information; specifying the
602	information the division may request; amending s.
603	719.503, F.S.; revising the disclosures that must be
604	included in a contract for the sale and resale of an
605	interest in a cooperative; amending s. 914.21, F.S.;
606	revising the definition of the term "official
607	investigation"; providing appropriations; reenacting
608	s. 468.436(2)(b), F.S., relating to disciplinary
609	proceedings, to incorporate the amendment made to s.

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610	468.4335, F.S., in a reference thereto; reenacting s.
611	721.13(3)(e), F.S., relating to management, to
612	incorporate the amendment made to s. 718.111, F.S., in
613	a reference thereto; reenacting ss. 718.504(7)(a) and
614	(21)(c) and 718.618(1)(d), F.S., relating to
615	prospectus or offering circulars and converter reserve
616	accounts and warranties, respectively, to incorporate
617	the amendment made to s. 718.112, F.S., in references
618	thereto; reenacting s. 718.706(1) and (3), F.S.,
619	relating to specific provisions pertaining to offering
620	of units by bulk assignees or bulk buyers, to
621	incorporate the amendments made to ss. 718.111,
622	718.112, and 718.503, F.S., in references thereto;
623	reenacting ss. 719.103(24) and 719.504(7)(a) and
624	(20)(c), F.S., relating to definitions and prospectus
625	or offering circulars, respectively, to incorporate
626	the amendment made to s. 719.106, F.S., in references
627	thereto; providing effective dates.
628	
629	Be It Enacted by the Legislature of the State of Florida:
630	
631	Section 1. Paragraph (h) is added to subsection (2) of
632	section 468.432, Florida Statutes, and subsection (3) is added
633	to that section, to read:
634	468.432 Licensure of community association managers and
635	community association management firms; exceptions
636	(2) A community association management firm or other
637	similar organization responsible for the management of more than
638	10 units or a budget of \$100,000 or greater shall not engage or
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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

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595-03812-25 20251742c3 performs community management services. 668 669 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 requirements in s. 553.899, or the structural integrity reserve 691 692 study requirements in s. 718.112(2)(g) and 719.106(1)(k), the 693 community association manager or the community association management firm must comply with those sections that section as 694 695 directed by the board.

696

(c) Each contract between a community association and a

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697	community association manager or community association
698	management firm for community association management services
699	must include the following written statement in at least 12-
700	point type, if applicable to the type of management services
701	provided in the contract:
702	
703	The community association manager shall abide by all
704	professional standards and record keeping requirements
705	imposed pursuant to part VIII of chapter 468, Florida
706	Statutes.
707	
708	(d) A contract between a community association manager or
709	community association management firm and a community
710	association may not waive or limit the professional practice
711	standards required pursuant to this part.
712	(3) A community association manager or community
713	association management firm that is authorized by contract to
714	provide community association management services to a <u>community</u>
715	homeowners' association shall do all of the following:
716	(a) Attend in person at least one member meeting or board
717	meeting of the community homeowners' association annually.
718	(b) Provide to the members of the <u>community</u> homeowners'
719	association the name and contact information for each community
720	association manager or representative of a community association
721	management firm assigned to the <u>community</u> homeowners'
722	association, the manager's or representative's hours of
723	availability, and a summary of the duties for which the manager
724	or representative is responsible. The <u>community</u> homeowners'
725	association shall also post this information on the
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595-03812-25 20251742c3 726 association's website or mobile application, if the association 727 is required to maintain official records on a website or 728 application required under s. 720.303(4)(b). The community 729 association manager or community association management firm 730 shall update the community homeowners' association and its 731 members within 14 business days after any change to such 732 information. 733 (c) Provide to any member upon request a copy of the 734 contract between the community association manager or community association management firm and the community homeowners' 735 736 association and include such contract with association's 737 official records. Section 3. Section 468.4335, Florida Statutes, is amended 738 739 to read: 740 468.4335 Conflicts of interest.-741 (1) A community association manager or a community 742 association management firm, including directors, officers, and 743 persons with a financial interest in a community association 744 management firm, or a relative of such persons, must disclose to 745 the board of a community association any activity that may 746 reasonably be construed to be a conflict of interest. A 747 rebuttable presumption of a conflict of interest exists if any 748 of the following occurs without prior notice: 749 (a) A community association manager or a community 750 association management firm, including directors, officers, and 751 persons with a financial interest in a community association 752 management firm, or a relative of such persons, proposes to 753 enter into a contract or other transaction with the association, 754 or enters into a contract for goods or services with the

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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 with the association or proposes to enter into a contract or 765 766 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 exceeds \$2,500 to provide a good or service, other than 774 775 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 apply to any activities or the provision of goods or services 783

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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 of the next board of administration meeting. The notice for the 794 795 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 proposed activity. The disclosures of a possible conflict of 799 800 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 contract or other transaction must be disclosed to the members. 807 808 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

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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 time of cancellation and is not liable for any termination fees, 827 828 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 as described in subsection (1) and such activity has not been 836

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

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842	interests of the association.
843	(6) As used in this section, the term "relative" means a
844	relative within the third degree of consanguinity by blood or
845	marriage.
846	Section 4. Subsection (11) and present subsections (12) and
847	(13) of section 553.899, Florida Statutes, are amended,
848	paragraphs (e) and (f) are added to subsection (3), and a new
849	subsection (12) is added to that section, to read:
850	553.899 Mandatory structural inspections for condominium
851	and cooperative buildings
852	(3)
853	(e) On or before October 1, 2025, and on or before each
854	December 31 thereafter, the local enforcement agency responsible
855	for milestone inspections must provide the department, in an
856	electronic format determined by the department, information that
857	may include, but is not limited to:
858	1. The number of buildings required to have a milestone
859	inspection within the agency's jurisdiction.
860	2. The number of buildings for which a phase one milestone
861	inspection has been completed.
862	3. The number of buildings granted an extension under
863	paragraph (3)(c).
864	4. The number of buildings required to have a phase two
865	milestone inspection.
866	5. The number of buildings for which a phase two milestone
867	inspection has been completed.
868	6. The number, type, and value of permits applied for to
869	complete repairs pursuant to a phase two milestone inspection.
870	7. A list of buildings deemed to be unsafe or uninhabitable

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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 Governor, the President of the Senate, and the Speaker of the 888 889 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

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595-03812-25 20251742c3 900 deterioration identified in a phase two inspection report within 901 the required timeframe, the local enforcement agency must review 902 and determine if the building is unsafe for human occupancy. 903 (12) A licensed architect or engineer who bids to perform a 904 milestone inspection must disclose in writing to the association 905 his or her intent to bid on any services related to any 906 maintenance, repair, or replacement which may be recommended by 907 the milestone inspection. Any design professional as defined in 908 s. 558.002(7) or contractor licensed under chapter 489 who 909 submits a bid to the association for performing any services 910 recommended by the milestone inspection may not have an 911 interest, directly or indirectly, in the firm or entity providing the milestone inspection or be a relative of any 912 913 person having a direct or indirect interest in such firm, unless such relationship is disclosed to the association in writing. As 914 915 used in this section, the term "relative" means a relative 916 within the third degree of consanguinity by blood or marriage. A 917 contract for services is voidable and terminates upon the 918 association filing a written notice terminating the contract if 919 the design professional or licensed contractor failed to provide 920 the written disclosure of the relationship required under this 921 subsection. A design professional or licensed contractor may be 922 subject to discipline under the applicable practice act for his 923 or her profession for failure to provide the written disclosure 924 of the relationship, as required under this subsection. 92.5 (13) (12) By December 31, 2024, the Florida Building

926 Commission shall adopt rules pursuant to ss. 120.536(1) and 927 120.54 to establish a building safety program for the 928 implementation of this section within the Florida Building Code:

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595-03812-25 20251742c3 929 Existing Building. The building inspection program must, at 930 minimum, include inspection criteria, testing protocols, 931 standardized inspection and reporting forms that are adaptable 932 to an electronic format, and record maintenance requirements for 933 the local authority. 934 (14) (13) The Florida Building Commission shall consult with 935 the State Fire Marshal to provide recommendations to the 936 Legislature for the adoption of comprehensive structural and 937 life safety standards for maintaining and inspecting all types 938 of buildings and structures in this state that are three stories 939 or more in height. The commission shall provide a written report 940 of its recommendations to the Governor, the President of the 941 Senate, and the Speaker of the House of Representatives by 942 December 31, 2023. Section 5. Present subsections (33) and (34) of section 943 944 718.103, Florida Statutes, are redesignated as subsections (34) 945 and (35), respectively, a new subsection (33) is added to that 946 section, and subsection (1) of that section is amended, to read: 947 718.103 Definitions.-As used in this chapter, the term: 948 (1) "Alternative funding method" means a method approved by 949 the division for funding the capital expenditures and deferred 950 maintenance obligations of the association for a 951 multicondominium association operating at least 25 condominiums 952 which may reasonably be expected to fully satisfy the 953 association's reserve funding obligations by the, including: 954 (a) The allocation of funds in the annual operating budget 955 of a multicondominium; or 956 (b) Any other method defined by rule of the division which 957 may reasonably be expected to fully satisfy the association's

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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

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987 <u>contract</u>.

988 (h) If a contract is between a community association 989 manager and the association, and the community association 990 manager has his or her license suspended or revoked during the 991 term of a contract with the association, the association may 992 terminate the contract upon delivery of a written notice to the 993 community association manager whose license has been revoked or 994 suspended, effective on the date the community association 995 manager became unlicensed.

996 (i) If a community association management firm has its 997 license suspended or revoked during the term of a contract with 998 the association, the association may terminate the contract upon 999 delivery of a written notice to the community association 1000 management firm whose license has been revoked or suspended, 1001 effective on the date the community association management firm 1002 became unlicensed.

1003 (11) INSURANCE.-In order to protect the safety, health, and 1004 welfare of the people of this state of the State of Florida and 1005 to ensure consistency in the provision of insurance coverage to 1006 condominiums and their unit owners, this subsection applies to 1007 every residential condominium in this the state, regardless of 1008 the date of its declaration of condominium. It is the intent of 1009 the Legislature to encourage lower or stable insurance premiums 1010 for associations described in this subsection.

1011 (a) Every condominium association shall have adequate
1012 property insurance as determined under this paragraph,
1013 regardless of any requirement in the declaration of condominium
1014 for certain coverage by the association for full insurable
1015 value, replacement cost, or similar coverage, must be based on

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595-03812-25 20251742c3 1016 the replacement cost of the property to be insured as determined 1017 by an independent insurance appraisal or update of a prior appraisal. The replacement cost must be determined at least once 1018 1019 every 36 months. 1020 1. An association or group of associations may provide 1021 adequate property insurance as determined under this paragraph 1022 through a self-insurance fund that complies with the 1023 requirements of ss. 624.460-624.488. 1024 2. The amount of adequate insurance coverage for full 1025 insurable value, replacement cost, or similar coverage may be 1026 based on the replacement cost of the property to be insured, as 1027 determined by an independent insurance appraisal or an update of a previous appraisal. The replacement cost must be determined at 1028 1029 least once every 3 years, at minimum. 1030 3. The association's obligation to obtain and association 1031 may also provide adequate property insurance coverage for a 1032 group of at least three communities created and operating under 1033 this chapter, chapter 719, chapter 720, or chapter 721 may be 1034 satisfied by obtaining and maintaining for such communities 1035 insurance coverage sufficient to cover an amount equal to the 1036 probable maximum loss for the communities for a 250-year 1037 windstorm event.

1038a.Such probable maximum loss must be determined through1039the use of a competent model that has been accepted by the1040Florida 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

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595-03812-25 20251742c3 1045 related forms pursuant to ss. 627.410 and 627.411, approval of 1046 the rates pursuant to s. 627.062, a determination that the loss 1047 model approved by the commission was accurately and 1048 appropriately applied to the insured structures to determine the 1049 250-year probable maximum loss, and a determination that 1050 complete and accurate disclosure of all material provisions is 1051 provided to condominium unit owners before execution of the 1052 agreement by a condominium association. 1053 4.3. When determining the adequate amount of property 1054 insurance coverage, the association may consider deductibles as 1055 determined by this subsection. 1056 (12) OFFICIAL RECORDS.-1057 (a) From the inception of the association, the association 1058 shall maintain each of the following items, if applicable, which constitutes the official records of the association: 1059 1. A copy of the plans, permits, warranties, and other 1060 1061 items provided by the developer under s. 718.301(4). 1062 2. A copy photocopy of the recorded declaration of 1063 condominium of each condominium operated by the association and 1064 each amendment to each declaration. 1065 3. A copy photocopy of the recorded bylaws of the 1066 association and each amendment to the bylaws. 1067 4. A certified copy of the articles of incorporation of the association, or other documents creating the association, and 1068 each amendment thereto. 1069 1070 5. A copy of the current rules of the association. 1071 A book or books or electronic records that contain the 6. 1072 minutes of all meetings of the association, the board of 1073 administration, any committee, and the unit owners, and a

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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 known, telephone numbers. The association shall also maintain 1082 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 to opt out of such dissemination with other unit owners. An 1091 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 document is disseminated. However, the association is not liable 1098 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.

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595-03812-25 20251742c3 1103 8. All current insurance policies of the association and 1104 condominiums operated by the association. 1105 9. A current copy of any management agreement, lease, or other contract to which the association is a party or under 1106 1107 which the association or the unit owners have an obligation or 1108 responsibility. 1109 10. Bills of sale or transfer for all property owned by the 1110 association. 1111 11. Accounting records for the association and separate 1112 accounting records for each condominium that the association 1113 operates. Any person who knowingly or intentionally defaces or 1114 destroys such records, or who knowingly or intentionally fails 1115 to create or maintain such records, with the intent of causing 1116 harm to the association or one or more of its members, is 1117 personally subject to a civil penalty pursuant to s. 1118 718.501(1)(e). The accounting records must include, but are not 1119 limited to: 1120 a. Accurate, itemized, and detailed records of all receipts and expenditures, including all bank statements and ledgers. 1121 1122 b. All invoices, transaction receipts, or deposit slips 1123 that substantiate any receipt or expenditure of funds by the 1124 association. 1125 c. A current account and a monthly, bimonthly, or quarterly statement of the account for each unit designating the name of 1126 1127 the unit owner, the due date and amount of each assessment, the amount paid on the account, and the balance due. 1128 1129 d. All audits, reviews, accounting statements, structural 1130 integrity reserve studies, and financial reports of the 1131 association or condominium. Structural integrity reserve studies

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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

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595-03812-25 20251742c3 1161 related to the association's investment of funds under 1162 subsection (16). 22.20. All other written records of the association not 1163 1164 specifically included in the foregoing which are related to the 1165 operation of the association. 1166 (c)1.a. The official records of the association are open to 1167 inspection by any association member and any person authorized by an association member as a representative of such member at 1168 all reasonable times. The right to inspect the records includes 1169 1170 the right to make or obtain copies, at the reasonable expense, 1171 if any, of the member and of the person authorized by the 1172 association member as a representative of such member. A renter 1173 of a unit has a right to inspect and copy only the declaration 1174 of condominium, the association's bylaws and rules, and the inspection reports described in ss. 553.899 and 718.301(4)(p). 1175 1176 The association may adopt reasonable rules regarding the 1177 frequency, time, location, notice, and manner of record 1178 inspections and copying but may not require a member to 1179 demonstrate any purpose or state any reason for the inspection. 1180 The failure of an association to provide the records within 10 1181 working days after receipt of a written request creates a 1182 rebuttable presumption that the association willfully failed to 1183 comply with this paragraph. A unit owner who is denied access to 1184 official records is entitled to the actual damages or minimum 1185 damages for the association's willful failure to comply. Minimum 1186 damages are \$50 per calendar day for up to 10 days, beginning on 1187 the 11th working day after receipt of the written request. The 1188 failure to permit inspection entitles any person prevailing in 1189 an enforcement action to recover reasonable attorney fees from

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595-03812-25 20251742c3 1190 the person in control of the records who, directly or 1191 indirectly, knowingly denied access to the records. If the 1192 requested records are posted on an association's website, or are 1193 available for download through an application on a mobile 1194 device, the association may fulfill its obligations under this 1195 paragraph by directing to the website or the application all 1196 persons authorized to request access. b. In response to a written request to inspect records, the 1197 association must simultaneously provide to the requestor a 1198 1199 checklist of all records made available for inspection and 1200 copying. The checklist must also identify any of the 1201 association's official records that were not made available to 1202 the requestor. An association must maintain a checklist provided 1203 under this sub-subparagraph for 7 years. An association 1204 delivering a checklist pursuant to this sub-subparagraph creates 1205 a rebuttable presumption that the association has complied with 1206 this paragraph. 1207 2. A director or member of the board or association or a 1208 community association manager who willfully and knowingly or 1209 intentionally knowingly, willfully, and repeatedly violates 1210 subparagraph 1. commits a misdemeanor of the second degree, 1211 punishable as provided in s. 775.082 or s. 775.083, and must be 1212 removed from office and a vacancy declared. For purposes of this

1214 within a 12-month period.

1213

1215 3. Any person who <u>willfully and</u> knowingly or intentionally 1216 defaces or destroys accounting records that are required by this 1217 chapter to be maintained during the period for which such 1218 records are required to be maintained, or who willfully and

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subparagraph, the term "repeatedly" means two or more violations

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

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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 reflects a mental impression, conclusion, litigation strategy, 1258 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

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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 and distribute to unit owners a directory containing the name, 1285 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.

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

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

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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. <u>Unless a shorter period is</u>
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

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.

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.

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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: a. The recorded declaration of condominium of each 1337 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 The approved minutes of all board of administration e. 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

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595-03812-25 20251742c3 1364 proposed budget to be considered at the annual meeting. 1365 i.q. The financial report required by subsection (13) and 1366 any monthly income or expense statement to be considered at a 1367 meeting. 1368 j.h. The certification of each director required by s. 1369 718.112(2)(d)4.b. 1370 k.i. All contracts or transactions between the association 1371 and any director, officer, corporation, firm, or association that is not an affiliated condominium association or any other 1372 1373 entity in which an association director is also a director or 1374 officer and financially interested. 1375 $1.\frac{1}{2}$. Any contract or document regarding a conflict of 1376 interest or possible conflict of interest as provided in ss. 468.4335, 468.436(2)(b)6., and 718.3027(3). 1377 1378 m.k. The notice of any unit owner meeting and the agenda 1379 for the meeting, as required by s. 718.112(2)(d)3., no later 1380 than 14 days before the meeting. The notice must be posted in 1381 plain view on the front page of the website or application, or 1382 on a separate subpage of the website or application labeled 1383 "Notices" which is conspicuously visible and linked from the 1384 front page. The association must also post on its website or 1385 application any document to be considered and voted on by the 1386 owners during the meeting or any document listed on the agenda 1387 at least 7 days before the meeting at which the document or the information within the document will be considered. 1388 1389 n.1. Notice of any board meeting, the agenda, and any other 1390 document required for the meeting as required by s. 1391 718.112(2)(c), which must be posted no later than the date 1392 required for notice under s. 718.112(2)(c).

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595-03812-25 20251742c3 1393 o.m. The inspection reports described in ss. 553.899 and 1394 718.301(4)(p) and any other inspection report relating to a 1395 structural or life safety inspection of condominium property. 1396 p.n. The association's most recent structural integrity 1397 reserve study, if applicable. q.o. Copies of all building permits issued for ongoing or 1398 1399 planned construction. 1400 r. A copy of all affidavits required by this chapter. 1401 s. A copy of all investment policy statements adopted 1402 pursuant to paragraph (16)(c), and all financial statements 1403 related to the association's investment of funds under 1404 subsection (16). The association shall ensure that the information and 1405 3. 1406 records described in paragraph (c), which are not allowed to be 1407 accessible to unit owners, are not posted on the association's 1408 website or application. If protected information or information 1409 restricted from being accessible to unit owners is included in 1410 documents that are required to be posted on the association's 1411 website or application, the association shall ensure the 1412 information is redacted before posting the documents. 1413 Notwithstanding the foregoing, the association or its agent is 1414 not liable for disclosing information that is protected or 1415 restricted under this paragraph unless such disclosure was made 1416 with a knowing or intentional disregard of the protected or restricted nature of such information. 1417 1418

1418 4. The failure of the association to post information 1419 required under subparagraph 2. is not in and of itself 1420 sufficient to invalidate any action or decision of the 1421 association's board or its committees.

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595-03812-25 20251742c3 1422 (13) FINANCIAL REPORTING .- Within 90 days after the end of 1423 the fiscal year, or annually on a date provided in the bylaws, 1424 the association shall prepare and complete, or contract for the 1425 preparation and completion of, a financial report for the 1426 preceding fiscal year. Within 21 days after the final financial report is completed by the association or received from the 1427 third party, but not later than 180 $\frac{120}{120}$ days after the end of 1428 1429 the fiscal year or other date as provided in the bylaws, the 1430 association shall deliver to each unit owner by United States 1431 mail or personal delivery at the mailing address, property 1432 address, e-mail address, or facsimile number provided to fulfill 1433 the association's notice requirements, a copy of the most recent 1434 financial report, or and a notice that a copy of the most recent 1435 financial report will be, as requested by the owner, mailed, or 1436 hand delivered, or electronically delivered via the Internet to 1437 the unit owner, without charge, within 5 business days after 1438 receipt of a written request from the unit owner. Evidence of 1439 compliance with this delivery requirement must be made by an 1440 affidavit executed by an officer or director of the association. 1441 The division shall adopt rules setting forth uniform accounting 1442 principles and standards to be used by all associations and 1443 addressing the financial reporting requirements for multicondominium associations. The rules must include, but not 1444 1445 be limited to, standards for presenting a summary of association 1446 reserves, including a good faith estimate disclosing the annual amount of reserve funds that would be necessary for the 1447 1448 association to fully fund reserves for each reserve item based 1449 on the straight-line accounting method. This disclosure is not 1450 applicable to reserves funded via the pooling method. In

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595-03812-25 20251742c3 1451 adopting such rules, the division shall consider the number of members and annual revenues of an association. Financial reports 1452 1453 shall be prepared as follows: 1454 (a) An association that meets the criteria of this 1455 paragraph shall prepare a complete set of financial statements 1456 in accordance with generally accepted accounting principles. The 1457 financial statements must be based upon the association's total 1458 annual revenues, as follows: 1459 1. An association with total annual revenues of \$150,000 or 1460 more, but less than \$300,000, shall prepare compiled financial 1461 statements. 1462 2. An association with total annual revenues of at least 1463 \$300,000, but less than \$500,000, shall prepare reviewed financial statements. 1464 1465 3. An association with total annual revenues of \$500,000 or 1466 more shall prepare audited financial statements. 1467 (b)1. An association with total annual revenues of less 1468 than \$150,000 shall prepare a report of cash receipts and 1469 expenditures. 1470 2. A report of cash receipts and disbursements must 1471 disclose the amount of receipts by accounts and receipt 1472 classifications and the amount of expenses by accounts and expense classifications, including, but not limited to, the 1473 following, as applicable: costs for security, professional and 1474 1475 management fees and expenses, taxes, costs for recreation 1476 facilities, expenses for refuse collection and utility services, 1477 expenses for lawn care, costs for building maintenance and repair, insurance costs, administration and salary expenses, and 1478 1479 reserves accumulated and expended for capital expenditures,

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595-03812-25 20251742c3 1480 deferred maintenance, and any other category for which the 1481 association maintains reserves. (c) An association may prepare, without a meeting of or 1482 1483 approval by the unit owners: 1484 1. Compiled, reviewed, or audited financial statements, if 1485 the association is required to prepare a report of cash receipts 1486 and expenditures; 1487 2. Reviewed or audited financial statements, if the 1488 association is required to prepare compiled financial 1489 statements; or 1490 3. Audited financial statements if the association is 1491 required to prepare reviewed financial statements. 1492 (d) If approved by a majority vote of all the voting 1493 interests present at a properly called meeting of the 1494 association, an association may prepare: 1495 1. A report of cash receipts and expenditures in lieu of a 1496 compiled, reviewed, or audited financial statement; 1497 2. A report of cash receipts and expenditures or a compiled 1498 financial statement in lieu of a reviewed or audited financial 1499 statement; or 1500 3. A report of cash receipts and expenditures, a compiled 1501 financial statement, or a reviewed financial statement in lieu 1502 of an audited financial statement. 1503 1504 Such meeting and approval must occur before the end of the 1505 fiscal year and is effective only for the fiscal year in which 1506 the vote is taken. An association may not prepare a financial 1507 report pursuant to this paragraph for consecutive fiscal years. 1508 If the developer has not turned over control of the association,

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1509 all unit owners, including the developer, may vote on issues 1510 related to the preparation of the association's financial 1511 reports, from the date of incorporation of the association 1512 through the end of the second fiscal year after the fiscal year 1513 in which the certificate of a surveyor and mapper is recorded 1514 pursuant to s. 718.104(4)(e) or an instrument that transfers 1515 title to a unit in the condominium which is not accompanied by a 1516 recorded assignment of developer rights in favor of the grantee 1517 of such unit is recorded, whichever occurs first. Thereafter, 1518 all unit owners except the developer may vote on such issues 1519 until control is turned over to the association by the 1520 developer. Any audit or review prepared under this section shall 1521 be paid for by the developer if done before turnover of control 1522 of the association.

1523 (e) A unit owner may provide written notice to the division 1524 of the association's failure to mail or hand deliver him or her 1525 a copy of the most recent financial report within 5 business 1526 days after he or she submitted a written request to the 1527 association for a copy of such report. If the division 1528 determines that the association failed to mail or hand deliver a 1529 copy of the most recent financial report to the unit owner, the 1530 division shall provide written notice to the association that 1531 the association must mail or hand deliver a copy of the most 1532 recent financial report to the unit owner and the division 1533 within 5 business days after it receives such notice from the 1534 division. An association that fails to comply with the 1535 division's request may not waive the financial reporting 1536 requirement provided in paragraph (d) for the fiscal year in 1537 which the unit owner's request was made and the following fiscal

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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

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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	
1587	and any representative or association of the investment adviser may not be related by affinity or consanguinity to, or under
1588	
1589	common ownership with, any board member, community management
	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

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1596	authorizing investments, the investment and fiduciary standards
1597	set forth in this subsection must prevail. If at any time the
1598	investment committee determines that an investment adviser does
1599	not meet the requirements of this section, the investment
1600	committee must recommend a replacement investment adviser to the
1601	board.
1602	(e) At least once each calendar year, or sooner if a
1603	substantial financial obligation of the association becomes
1604	known to the board, the association must provide the investment
1605	adviser with the association's investment policy statement, the
1606	most recent reserve study report, the association's structural
1607	integrity report, and the financial reports prepared pursuant to
1608	subsection (13). If there is no recent reserve study report, the
1609	association must provide the investment adviser with a good
1610	faith estimate disclosing the annual amount of reserve funds
1611	necessary for the association to fund reserves fully for the
1612	life of each reserve component and each component's
1613	redundancies. The investment adviser shall annually review these
1614	documents and provide the association with a portfolio
1615	allocation model that is suitably structured and prudently
1616	designed to match projected annual reserve fund requirements and
1617	liability, assets, and liquidity requirements. The investment
1618	adviser shall prepare a funding projection for each reserve
1619	component, including any of the component's redundancies. The
1620	association must have available at all times a minimum of 24
1621	months of projected reserves in cash or cash equivalents.
1622	(f) Portfolios managed by the investment adviser may
1623	contain any type of investment necessary to meet the objectives
1624	in the investment policy statement; however, portfolios may not

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1625	contain stocks, securities, or other obligations that the State
1626	Board of Administration is prohibited from investing in under s.
1627	215.471, s. 215.4725, or s. 215.473 or that state agencies are
1628	prohibited from investing in under s. 215.472, as determined by
1629	the investment adviser. Any funds invested by the investment
1630	adviser must be held in third-party custodial accounts that are
1631	subject to insurance coverage by the Securities Investor
1632	Protection Corporation in an amount equal to or greater than the
1633	invested amount. The investment adviser may withdraw investment
1634	fees, expenses, and commissions from invested funds.
1635	(g) The investment adviser shall:
1636	1. Annually provide the association with a written
1637	certification of compliance with this section and a list of
1638	stocks, securities, and other obligations that are prohibited
1639	from being in association portfolios under paragraph (f); and
1640	2. Submit monthly, quarterly, and annual reports to the
1641	association which are prepared in accordance with established
1642	financial industry standards and in accordance with chapter 517.
1643	(h) Any principal, earnings, or interest managed under this
1644	subsection must be available at no cost or charge to the
1645	association within 15 business days after delivery of the
1646	association's written or electronic request.
1647	(i) Unallocated income earned on reserve fund investments
1648	must be spent only on capital expenditures, planned maintenance,
1649	structural repairs, or other items for which the reserve
1650	accounts have been established. Any surplus of funds that
1651	exceeds the amount required to maintain reasonably funded
1652	reserves must be managed pursuant to s. 718.115.
1653	Section 7. Paragraphs (b) through (g) of subsection (2) of

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595-03812-25 20251742c3 1654 section 718.112, Florida Statutes, are amended to read: 1655 718.112 Bylaws.-(2) REQUIRED PROVISIONS.-The bylaws shall provide for the 1656 1657 following and, if they do not do so, shall be deemed to include 1658 the following: 1659 (b) Quorum; voting requirements; proxies.-1660 1. Unless a lower number is provided in the bylaws, the 1661 percentage of voting interests required to constitute a quorum at a meeting of the members is a majority of the voting 1662 1663 interests. Unless otherwise provided in this chapter or in the 1664 declaration, articles of incorporation, or bylaws, and except as 1665 provided in subparagraph (d)4., decisions shall be made by a 1666 majority of the voting interests represented at a meeting at 1667 which a quorum is present. 1668 2. Except as specifically otherwise provided herein, unit 1669 owners in a residential condominium may not vote by general 1670 proxy, but may vote by limited proxies substantially conforming 1671 to a limited proxy form adopted by the division. A voting 1672 interest or consent right allocated to a unit owned by the 1673 association may not be exercised or considered for any purpose, 1674 whether for a quorum, an election, or otherwise. Limited proxies 1675 and general proxies may be used to establish a quorum. Limited 1676 proxies shall be used for votes taken to waive or reduce 1677 reserves in accordance with subparagraph (f)2.; for votes taken 1678 to waive the financial reporting requirements of s. 718.111(13); 1679 for votes taken to amend the declaration pursuant to s. 718.110; 1680 for votes taken to amend the articles of incorporation or bylaws 1681 pursuant to this section; and for any other matter for which this chapter requires or permits a vote of the unit owners. 1682

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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.

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

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

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

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595-03812-25 20251742c3 1712 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 1713 1714 governing the requirements for meetings. 1715 (c) Board of administration meetings.-In a residential 1716 condominium association of more than 10 units, the board of 1717 administration shall meet at least once each quarter. At least 1718 four times each year, the meeting agenda must include an 1719 opportunity for members to ask questions of the board. Meetings of the board of administration at which a quorum of the members 1720 1721 is present are open to all unit owners. Members of the board of 1722 administration may use e-mail as a means of communication but 1723 may not cast a vote on an association matter via e-mail. A unit 1724 owner may tape record or videotape the meetings. The right to 1725 attend such meetings includes the right to speak at such 1726 meetings with reference to all designated agenda items and the 1727 right to ask questions relating to reports on the status of 1728 construction or repair projects, the status of revenues and 1729 expenditures during the current fiscal year, and other issues 1730 affecting the condominium. The division shall adopt reasonable 1731 rules governing the tape recording and videotaping of the 1732 meeting. The association may adopt written reasonable rules 1733 governing the frequency, duration, and manner of unit owner 1734 statements.

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. <u>If the board</u>
 <u>meeting is to be conducted via video conference, the notice must</u>
 state that such meeting will be via video conference and must

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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 ratified at the next regular board meeting. Written notice of a 1754 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

adopted rule, designate a specific location on the condominium property at which all notices of board meetings must be posted. If there is no condominium property at which notices can be posted, Notices shall be mailed, delivered, or electronically transmitted to each unit owner who has consented to receive electronic notifications at least 14 days before the meeting. In

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595-03812-25 20251742c3 1770 lieu of or in addition to the physical posting of the notice on the condominium property and mailing, delivering, or 1771 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.

17973. Notice of any meeting in which regular or special1798assessments against unit owners are to be considered must

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1799 specifically state that assessments will be considered and 1800 provide the estimated cost and description of the purposes for 1801 such assessments. If an agenda item relates to the approval of a 1802 contract for goods or services, a copy of the contract must be 1803 provided with the notice and be made available for inspection 1804 and copying upon a written request from a unit owner or made 1805 available on the association's website or through an application 1806 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.

1814 5. Notwithstanding any other law, the requirement that 1815 board meetings and committee meetings be open to the unit owners 1816 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

1821 b. Board meetings held for the purpose of discussing1822 personnel matters.

1823

(d) Unit owner meetings.-

1824 1. An annual meeting of the unit owners must be held at the 1825 location provided in the association bylaws and, if the bylaws 1826 are silent as to the location, the meeting must be held within 1827 <u>15 miles</u> of the condominium property <u>or within the same</u>

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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

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1857	condominium, or if the staggered term of a board member does not
1858	expire until a later annual meeting, or if all members' terms
1859	would otherwise expire but there are no candidates, the terms of
1860	all board members expire at the annual meeting, and such members
1861	may stand for reelection unless prohibited by the bylaws. Board
1862	members may serve terms longer than 1 year if permitted by the
1863	bylaws or articles of incorporation. A board member may not
1864	serve more than 8 consecutive years unless approved by an
1865	affirmative vote of unit owners representing two-thirds of all
1866	votes cast in the election or unless there are not enough
1867	eligible candidates to fill the vacancies on the board at the
1868	time of the vacancy. Only board service that occurs on or after
1869	July 1, 2018, may be used when calculating a board member's term
1870	limit. If the number of board members whose terms expire at the
1871	annual meeting equals or exceeds the number of candidates, the
1872	candidates become members of the board effective upon the
1873	adjournment of the annual meeting. Unless the bylaws provide
1874	otherwise, any remaining vacancies shall be filled by the
1875	affirmative vote of the majority of the directors making up the
1876	newly constituted board even if the directors constitute less
1877	than a quorum or there is only one director. In a residential
1878	condominium association of more than 10 units or in a
1879	residential condominium association that does not include
1880	timeshare units or timeshare interests, co-owners of a unit may
1881	not serve as members of the board of directors at the same time
1882	unless they own more than one unit or unless there are not
1883	enough eligible candidates to fill the vacancies on the board at
1884	the time of the vacancy. A unit owner in a residential
1885	condominium desiring to be a candidate for board membership must

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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 deadline for submitting a notice of intent to run in order to 1888 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 <u>4.3.</u> 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

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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 include an agenda; be mailed, hand delivered, or electronically 1920 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

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1944	entire content of the notice and the agenda. In addition to any
1945	of the authorized means of providing notice of a meeting of the
1946	board, the association may, by rule, adopt a procedure for
1947	conspicuously posting the meeting notice and the agenda on a
1948	website serving the condominium association for at least the
1949	minimum period of time for which a notice of a meeting is also
1950	required to be physically posted on the condominium property.
1951	Any rule adopted shall, in addition to other matters, include a
1952	requirement that the association send an electronic notice in
1953	the same manner as a notice for a meeting of the members, which
1954	must include a hyperlink to the website at which the notice is
1955	posted, to unit owners whose e-mail addresses are included in
1956	the association's official records. Unless a unit owner waives
1957	in writing the right to receive notice of the annual meeting,
1958	such notice must be hand delivered, mailed, or electronically
1959	transmitted to each unit owner. Notice for meetings and notice
1960	for all other purposes must be mailed to each unit owner at the
1961	address last furnished to the association by the unit owner, or
1962	hand delivered to each unit owner. However, if a unit is owned
1963	by more than one person, the association must provide notice to
1964	the address that the developer identifies for that purpose and
1965	thereafter as one or more of the owners of the unit advise the
1966	association in writing, or if no address is given or the owners
1967	of the unit do not agree, to the address provided on the deed of
1968	record. An officer of the association, or the manager or other
1969	person providing notice of the association meeting, must provide
1970	an affidavit or United States Postal Service certificate of
1971	mailing, to be included in the official records of the
1972	association affirming that the notice was mailed or hand

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1973 delivered in accordance with this provision.

1974 <u>5.4.</u> The members of the board of a residential condominium 1975 shall be elected by written ballot or voting machine. Proxies 1976 may not be used in electing the board in general elections or 1977 elections to fill vacancies caused by recall, resignation, or 1978 otherwise, unless otherwise provided in this chapter. This 1979 subparagraph does not apply to an association governing a 1980 timeshare condominium.

1981 a. At least 60 days before a scheduled election, the 1982 association shall mail, deliver, or electronically transmit, by 1983 separate association mailing or included in another association 1984 mailing, delivery, or transmission, including regularly 1985 published newsletters, to each unit owner entitled to a vote, a first notice of the date of the election. A unit owner or other 1986 1987 eligible person desiring to be a candidate for the board must 1988 give written notice of his or her intent to be a candidate to 1989 the association at least 40 days before a scheduled election. 1990 Together with the written notice and agenda as set forth in 1991 subparagraph 3., the association shall mail, deliver, or 1992 electronically transmit a second notice of the election to all 1993 unit owners entitled to vote, together with a ballot that lists 1994 all candidates not less than 14 days or more than 34 days before 1995 the date of the election. Upon request of a candidate, an 1996 information sheet, no larger than 8 1/2 inches by 11 inches, 1997 which must be furnished by the candidate at least 35 days before 1998 the election, must be included with the mailing, delivery, or 1999 transmission of the ballot, with the costs of mailing, delivery, 2000 or electronic transmission and copying to be borne by the 2001 association. The association is not liable for the contents of

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595-03812-25 20251742c3 2002 the information sheets prepared by the candidates. In order to 2003 reduce costs, the association may print or duplicate the 2004 information sheets on both sides of the paper. The division 2005 shall by rule establish voting procedures consistent with this 2006 sub-subparagraph, including rules establishing procedures for 2007 giving notice by electronic transmission and rules providing for 2008 the secrecy of ballots. Elections shall be decided by a 2009 plurality of ballots cast. There is no quorum requirement; 2010 however, at least 20 percent of the eligible voters must cast a 2011 ballot in order to have a valid election. A unit owner may not 2012 authorize any other person to vote his or her ballot, and any 2013 ballots improperly cast are invalid. A unit owner who violates 2014 this provision may be fined by the association in accordance 2015 with s. 718.303. A unit owner who needs assistance in casting 2016 the ballot for the reasons stated in s. 101.051 may obtain such 2017 assistance. The regular election must occur on the date of the 2018 annual meeting. Notwithstanding this sub-subparagraph, an 2019 election is not required unless more candidates file notices of 2020 intent to run or are nominated than board vacancies exist.

2021 b. A director of a board of an association of a residential 2022 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.

2030

(II) Submit to the secretary of the association a

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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
-	

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595-03812-25 20251742c3 2060 condominium must submit to the secretary of the association a 2061 certificate of having satisfactorily completed at least 1 hour 2062 of continuing education administered by the division, or a 2063 division-approved condominium education provider, relating to 2064 any recent changes to this chapter and the related 2065 administrative rules during the past year. A director of an 2066 association of a residential condominium who fails to timely 2067 file the written certification and educational certificate is 2068 suspended from service on the board until he or she complies 2069 with this sub-subparagraph. The board may temporarily fill the 2070 vacancy during the period of suspension. The secretary shall 2071 cause the association to retain a director's written 2072 certification and educational certificate for inspection by the 2073 members for 7 years after a director's election or the duration 2074 of the director's uninterrupted tenure, whichever is longer. 2075 Failure to have such written certification and educational 2076 certificate on file does not affect the validity of any board 2077 action.

2078 c. Any challenge to the election process must be commenced 2079 within 60 days after the election results are announced.

2080 6.5. Any approval by unit owners called for by this chapter 2081 or the applicable declaration or bylaws, including, but not 2082 limited to, the approval requirement in s. 718.111(8), must be 2083 made at a duly noticed meeting of unit owners and is subject to 2084 all requirements of this chapter or the applicable condominium 2085 documents relating to unit owner decisionmaking, except that 2086 unit owners may take action by written agreement, without 2087 meetings, on matters for which action by written agreement 2088 without meetings is expressly allowed by the applicable bylaws

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2089 or declaration or any law that provides for such action.

2090 7.6. Unit owners may waive notice of specific meetings if 2091 allowed by the applicable bylaws or declaration or any law. 2092 Notice of meetings of the board of administration; unit owner 2093 meetings, except unit owner meetings called to recall board 2094 members under paragraph (1); and committee meetings may be given 2095 by electronic transmission to unit owners who consent to receive 2096 notice by electronic transmission. A unit owner who consents to 2097 receiving notices by electronic transmission is solely 2098 responsible for removing or bypassing filters that block receipt 2099 of mass e-mails sent to members on behalf of the association in 2100 the course of giving electronic notices.

2101 <u>8.7.</u> Unit owners have the right to participate in meetings 2102 of unit owners with reference to all designated agenda items. 2103 However, the association may adopt reasonable rules governing 2104 the frequency, duration, and manner of unit owner participation.

2105 <u>9.8.</u> A unit owner may tape record or videotape a meeting of 2106 the unit owners subject to reasonable rules adopted by the 2107 division.

2108 10.9. Unless otherwise provided in the bylaws, any vacancy 2109 occurring on the board before the expiration of a term may be 2110 filled by the affirmative vote of the majority of the remaining 2111 directors, even if the remaining directors constitute less than a quorum, or by the sole remaining director. In the alternative, 2112 2113 a board may hold an election to fill the vacancy, in which case the election procedures must conform to sub-subparagraph 4.a. 2114 2115 unless the association governs 10 units or fewer and has opted out of the statutory election process, in which case the bylaws 2116 2117 of the association control. Unless otherwise provided in the

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1	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 (l) and rules adopted by the division.
2122	<u>11.10.</u> 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. <u>A meeting of the board or unit</u>
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

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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 owner, or mail to each unit owner at the address last furnished 2173 2174 to the association, a notice of the meeting. An officer or 2175 manager of the association, or other person providing notice of

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2176 such meeting shall execute an affidavit evidencing compliance 2177 with this notice requirement, and such affidavit shall be filed among the official records of the association. Unit owners must 2178 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 not adopted, the annual budget previously initially proposed 2184 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, maintenance, or replacement of the items listed in paragraph 2193 2194 (g), and insurance premiums, or assessments for betterments to 2195 the condominium property.

2196 c. If the developer controls the board, assessments <u>may</u> 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.-

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

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595-03812-25 20251742c3 2205 of the association's fiscal year. In the event that the board 2206 fails to timely adopt the annual budget a second time, it is 2207 deemed a minor violation and the prior year's budget shall 2208 continue in effect until a new budget is adopted. A 2209 multicondominium association must adopt a separate budget of 2210 common expenses for each condominium the association operates 2211 and must adopt a separate budget of common expenses for the 2212 association. In addition, if the association maintains limited 2213 common elements with the cost to be shared only by those 2214 entitled to use the limited common elements as provided for in 2215 s. 718.113(1), the budget or a schedule attached to it must show 2216 the amount budgeted for this maintenance. If, after turnover of 2217 control of the association to the unit owners, any of the 2218 expenses listed in s. 718.504(21) are not applicable, they do 2219 not need to be listed. 2220 2.a. In addition to annual operating expenses, the budget 2221 must include reserve accounts for capital expenditures and 2222 deferred maintenance. These accounts must include, but are not 2223 limited to, roof replacement, building painting, and pavement 2224 resurfacing, regardless of the amount of deferred maintenance 2225 expense or replacement cost, and any other item that has a 2226 deferred maintenance expense or replacement cost that exceeds 2227 \$25,000 or the inflation-adjusted amount determined by the division under subparagraph 5., whichever is greater \$10,000. 2228 2229 The amount to be reserved must be computed using a formula based 2230 upon estimated remaining useful life and estimated replacement 2231 cost or deferred maintenance expense of the reserve item. In a 2232 budget adopted by an association that is required to obtain a 2233 structural integrity reserve study, reserves must be maintained

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595-03812-25 20251742c3 2234 for the items identified in paragraph (g) for which the 2235 association is responsible pursuant to the declaration of 2236 condominium, and the reserve amount for such items must be based 2237 on the findings and recommendations of the association's most 2238 recent structural integrity reserve study. If an association 2239 votes to terminate the condominium in accordance with s. 2240 718.117, the members may vote to waive the maintenance of 2241 reserves recommended by the association's most recent structural 2242 integrity reserve study. With respect to items for which an 2243 estimate of useful life is not readily ascertainable or with an 2244 estimated remaining useful life of greater than 25 years, an 2245 association is not required to reserve replacement costs for 2246 such items, but an association must reserve the amount of 2247 deferred maintenance expense, if any, which is recommended by 2248 the structural integrity reserve study for such items. The 2249 association may adjust replacement reserve assessments annually 2250 to take into account an inflation adjustment and any changes in 2251 estimates or extension of the useful life of a reserve item 2252 caused by deferred maintenance. 2253 b. The members of a unit-owner-controlled association may 2254 determine, by a majority vote of the total voting interests of 2255 the association, to provide no reserves or less reserves than 2256 required by this subsection. For a budget adopted on or after 2257 December 31, 2024, the members of a unit-owner-controlled 2258 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

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2263	reserves than required by this subsection if an alternative
2264	funding method <u>is used by the association</u> has been approved by
2265	the division.
2266	c.(I) Reserves for the items listed in paragraph (g) may be
2267	funded by regular assessments, special assessments, lines of
2268	credit, or loans.
2269	(II) A unit-owner-controlled association that must have a
2270	structural integrity reserve study may secure a line of credit
2271	or a loan to fund capital expenses required by a milestone
2272	inspection under s. 553.899 or a structural integrity reserve
2273	study. A line of credit or a loan under this subparagraph
2274	requires the approval of a majority vote of the total voting
2275	interests of the association. The line of credit or loan must be
2276	sufficient to fund the cumulative amount of any previously
2277	waived or unfunded portions of the reserve funding amount
2278	required by this paragraph and the most recent structural
2279	integrity reserve study. Funding from the line of credit or loan
2280	must be immediately available for access by the board to fund
2281	required repair, maintenance, or replacement expenses without
2282	further approval by the members of the association. A line of
2283	credit or a loan secured under this sub-subparagraph must be
2284	included in the financial report required under s. 718.111(13).
2285	(III) This sub-subparagraph does not apply to associations
2286	controlled by a developer as defined in s. 718.103, an
2287	association in which the nondeveloper unit owners have been in
2288	control for less than 1 year, or an association controlled by
2289	one or more bulk assignees or bulk buyers as those terms are
2290	defined in s. 718.703.
2291	<u>d.</u> If the local building official, as defined in s.

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595-03812-25 20251742c3 2292 468.603, determines that the entire condominium building is 2293 uninhabitable due to a natural emergency, as defined in s. 2294 252.34, the board, upon the approval of a majority of its 2295 members, may pause the contribution to its reserves or reduce 2296 reserve funding until the local building official determines 2297 that the condominium building is habitable. Any reserve account 2298 funds held by the association may be expended, pursuant to the 2299 board's determination, to make the condominium building and its 2300 structures habitable. Upon the determination by the local 2301 building official that the condominium building is habitable, 2302 the association must immediately resume contributing funds to 2303 its reserves. 2304 e. For a budget adopted on or before December 31, 2028, if 2305 the association has completed a milestone inspection pursuant to 2306 s. 553.899 within the previous 2 calendar years, the board, upon 2307 the approval of a majority of the total voting interests of the 2308 association, may temporarily pause, for a period of no more than 2 consecutive annual budgets, reserve fund contributions or 2309 2310 reduce the amount of reserve funding for the purpose of funding 2311 repairs recommended by the milestone inspection. This sub-2312 subparagraph does not apply to an association controlled by a 2313 developer as defined in s. 718.103, an association in which the 2314 nondeveloper unit owners have been in control for less than 1 2315 year, or an association controlled by one or more bulk assignees 2316 or bulk buyers as those terms are defined in s. 718.703. An 2317 association that has paused reserve contributions under this 2318 subparagraph must have a structural integrity reserve study 2319 performed before the continuation of reserve contributions in 2320 order to determine the association's reserve funding needs and

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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 accruing thereon, for any other purpose other than the 2344 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

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2350	questions that involve waiving or reducing the funding of
2351	reserves, or using existing reserve funds for purposes other
2352	than purposes for which the reserves were intended, are the
2353	voting interests of the units subject to assessment to fund the
2354	reserves in question. Proxy questions relating to waiving or
2355	reducing the funding of reserves or using existing reserve funds
2356	for purposes other than purposes for which the reserves were
2357	intended must contain the following statement in capitalized,
2358	bold letters in a font size larger than any other used on the
2359	face of the proxy ballot:
2360	
2361	WAIVING OF RESERVES, IN WHOLE OR IN PART, OR ALLOWING
2362	ALTERNATIVE USES OF EXISTING RESERVES MAY RESULT IN
2363	UNIT OWNER LIABILITY FOR PAYMENT OF UNANTICIPATED
2364	SPECIAL ASSESSMENTS REGARDING THOSE ITEMS.
2365	
2366	5. The division shall annually adjust for inflation, based
2367	on the Consumer Price Index for All Urban Consumers released in
2368	January of each year, the minimum \$25,000 threshold amount for
2369	required reserves. By February 1, 2026, and annually thereafter,
2370	the division must conspicuously post on its website the
2371	inflation-adjusted minimum threshold amount for required
2372	reserves.
2373	(g) Structural integrity reserve study.—
2374	1. A residential condominium association must have a
2375	structural integrity reserve study completed at least every 10
2376	years after the condominium's creation for each building on the
2377	condominium property that is three stories or higher in height,
2378	as determined by the Florida Building Code, which includes, at a

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2379	minimum, a study of the following items as related to the
2380	structural integrity and safety of the building:
2381	a. Roof.
2382	b. Structure, including load-bearing walls and other
2383	primary structural members and primary structural systems as
2384	those terms are defined in s. 627.706.
2385	c. Fireproofing and fire protection systems.
2386	d. Plumbing.
2387	e. Electrical systems.
2388	f. Waterproofing and exterior painting.
2389	g. Windows and exterior doors.
2390	h. Any other item that has a deferred maintenance expense
2391	or replacement cost that exceeds <u>\$25,000 or the inflation-</u>
2392	adjusted amount determined by the division under subparagraph
2393	(f)5., whichever is greater, \$10,000 and the failure to replace
2394	or maintain such item negatively affects the items listed in
2395	sub-subparagraphs ag., as determined by the visual inspection
2396	portion of the structural integrity reserve study.
2397	2. A structural integrity reserve study is based on a
2398	visual inspection of the condominium property.
2399	<u>3.a.</u> A structural integrity reserve study may be performed
2400	by any person qualified to perform such study. However,
2401	including the visual inspection portion of the structural
2402	integrity reserve study, must be performed or verified by an
2403	engineer licensed under chapter 471, an architect licensed under
2404	chapter 481, or a person certified as a reserve specialist or
2405	professional reserve analyst by the Community Associations
2406	Institute or the Association of Professional Reserve Analysts.
2407	b. Any design professional as defined in s. 558.002 or any

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2408	contractor licensed under chapter 489 who bids to perform a
2409	structural integrity reserve study must disclose in writing to
2410	the association his or her intent to bid on any services related
2411	to any maintenance, repair, or replacement that may be
2412	recommended by the structural integrity reserve study. Any
2413	design professional as defined in s. 558.002 or contractor
2414	licensed under chapter 489 who submits a bid to the association
2415	for performing any services recommended by the structural
2416	integrity reserve study may not have an interest, directly or
2417	indirectly, in the firm or entity providing the association's
2418	structural integrity reserve study or be a relative of any
2419	person having a direct or indirect interest in such firm, unless
2420	such relationship is disclosed to the association in writing. As
2421	used in this section, the term "relative" means a relative
2422	within the third degree of consanguinity by blood or marriage. A
2423	contract for services is voidable and terminates upon the
2424	association filing a written notice terminating the contract if
2425	the design professional or licensed contractor failed to provide
2426	the written disclosure of the interests or relationships
2427	required under this paragraph. A design professional or licensed
2428	contractor may be subject to discipline under the applicable
2429	practice act for his or her profession for failure to provide
2430	the written disclosure of the interests or relationships
2431	required under this paragraph.
2422	1 - 2 At a minimum a atmustural integration records

2432 <u>4.a.3.</u> At a minimum, a structural integrity reserve study 2433 must identify each item of the condominium property being 2434 visually inspected, state the estimated remaining useful life 2435 and the estimated replacement cost or deferred maintenance 2436 expense of each item of the condominium property being visually

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2437	inspected, and provide a reserve funding plan or schedule with a
2438	recommended annual reserve amount that achieves the estimated
2439	replacement cost or deferred maintenance expense of each item of
2440	condominium property being visually inspected by the end of the
2441	estimated remaining useful life of the item. At a minimum, the
2442	structural integrity reserve study must include a recommendation
2443	for a reserve funding schedule based on a baseline funding plan
2444	that provides a reserve funding goal in which the reserve
2445	funding for each budget year is sufficient to maintain the
2446	reserve cash balance above zero. The study may recommend other
2447	types of reserve funding schedules, provided that each
2448	recommended schedule is sufficient to meet the association's
2449	maintenance obligation.
2450	b. The structural integrity reserve study may recommend
2451	that reserves do not need to be maintained for any item for
2452	which an estimate of useful life and an estimate of replacement
2453	cost cannot be determined, or the study may recommend a deferred
2454	maintenance expense amount for such item. The structural
2455	integrity reserve study may recommend that reserves for
2456	replacement costs do not need to be maintained for any item with
2457	an estimated remaining useful life of greater than 25 years, but
2458	the study may recommend a deferred maintenance expense amount
2459	for such item. If the structural integrity reserve study
2460	recommends reserves for any item for which reserves are not
2461	required under this paragraph, the amount of the recommended
2462	reserves for such item must be separately identified in the
2463	structural integrity reserve study as an item for which reserves
2464	are not required under this paragraph.
2465	c. The structural integrity reserve study must take into

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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.
2405	E 4 This newsgraph does not apply to buildings loss than

2485 <u>5.4.</u> 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 <u>6.5.</u> 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

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595-03812-25 20251742c3 2495 with s. 718.301(4)(p) and (q) for each building on the 2496 condominium property that is three stories or higher in height. 2497 7.6. Associations existing on or before July 1, 2022, which 2498 are controlled by unit owners other than the developer, must 2499 have a structural integrity reserve study completed by December 2500 31, 2025 2024, for each building on the condominium property 2501 that is three stories or higher in height. An association that 2502 is required to complete a milestone inspection in accordance 2503 with s. 553.899 on or before December 31, 2026, may complete the 2504 structural integrity reserve study simultaneously with the 2505 milestone inspection. In no event may the structural integrity 2506 reserve study be completed after December 31, 2026. 2507 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.

2513 9. If the association completes a milestone inspection 2514 required by s. 553.899, or an inspection completed for a similar 2515 local requirement, the association may delay performance of a 2516 required structural integrity reserve study for no more than the 2517 2 consecutive budget years immediately following the milestone inspection in order to allow the association to focus its 2518 2519 financial resources on completing the repair and maintenance 2520 recommendations of the milestone inspection.

2521 <u>10.8.</u> If the officers or directors of an association 2522 willfully and knowingly fail to complete a structural integrity 2523 reserve study pursuant to this paragraph, such failure is a

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2541

transmission.

595-03812-25 20251742c3 2524 breach of an officer's or a and director's fiduciary 2525 relationship to the unit owners under s. 718.111(1). An officer 2526 or a director of an association must sign an affidavit 2527 acknowledging receipt of the completed structural integrity 2528 reserve study. 2529 11.9. Within 45 days after receiving the structural 2530 integrity reserve study, the association must distribute a copy 2531 of the study to each unit owner or deliver to each unit owner a 2532 notice that the completed study is available for inspection and 2533 copying upon a written request. Distribution of a copy of the 2534 study or notice must be made by United States mail or personal 2535 delivery to the mailing address, property address, or any other 2536 address of the owner provided to fulfill the association's 2537 notice requirements under this chapter, or by electronic 2538 transmission to the e-mail address or facsimile number provided 2539 to fulfill the association's notice requirements to unit owners 2540 who previously consented to receive notice by electronic

2542 12.10. Within 45 days after receiving the structural 2543 integrity reserve study, the association must provide the 2544 division with a statement indicating that the study was 2545 completed and that the association provided or made available 2546 such study to each unit owner in accordance with this section. 2547 The statement must be provided to the division in the manner 2548 established by the division using a form posted on the 2549 division's website.

2550 <u>13. The division shall adopt by rule the form for the</u> 2551 <u>structural integrity reserve study in coordination with the</u> 2552 <u>Florida Building Commission.</u>

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595-03812-25 20251742c3 2553 Section 8. Subsections (1) and (3) of section 718.501, 2554 Florida Statutes, are amended, and paragraph (d) is added to 2555 subsection (2) of that section, to read: 2556 718.501 Authority, responsibility, and duties of Division 2557 of Florida Condominiums, Timeshares, and Mobile Homes.-2558 (1) The division may enforce and ensure compliance with 2559 this chapter and rules relating to the development, 2560 construction, sale, lease, ownership, operation, and management 2561 of residential condominium units and complaints related to the 2562 procedural completion of milestone inspections under s. 553.899. 2563 In performing its duties, the division has complete jurisdiction 2564 to investigate complaints and enforce compliance with respect to 2565 associations that are still under developer control or the 2566 control of a bulk assignee or bulk buyer pursuant to part VII of 2567 this chapter and complaints against developers, bulk assignees, 2568 or bulk buyers involving improper turnover or failure to 2569 turnover, pursuant to s. 718.301. However, after turnover has 2570 occurred, the division has jurisdiction to review records and 2571 investigate complaints related only to: 2572 (a)1. Procedural aspects and records relating to financial 2573 issues, including annual financial reporting under s. 2574 718.111(13); assessments for common expenses, fines, and 2575 commingling of reserve and operating funds under s. 718.111(14); 2576 use of debit cards for unintended purposes under s. 718.111(15); 2577 the annual operating budget and the allocation of reserve funds 2578 under s. 718.112(2)(f); financial records under s. 2579 718.111(12)(a)11.; and any other record necessary to determine 2580 the revenues and expenses of the association. 2581 2. Elections, including election and voting requirements

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2582	under s. $718.112(2)(b)$ and (d), recall of board members under s.
2583	718.112(2)(1), electronic voting under s. 718.128, and elections
2584	that occur during an emergency under s. 718.1265(1)(a).
2585	3. The maintenance of and unit owner access to association
2586	records under s. 718.111(12).
2587	4. The procedural aspects of meetings, including unit owner
2588	meetings, quorums, voting requirements, proxies, board of
2589	administration meetings, and budget meetings under s.
2590	718.112(2).
2591	5. The disclosure of conflicts of interest under ss.
2592	718.111(1)(a) and 718.3027, including limitations contained in
2593	s. 718.111(3)(f).
2594	6. The removal of a board director or officer under ss.
2595	718.111(1)(a) and (15) and 718.112(2)(p) and (q).
2596	7. The procedural completion of structural integrity
2597	reserve studies under s. 718.112(2)(g) and the milestone
2598	inspections under s. 553.899.
2599	8. Completion of repairs required by a milestone inspection
2600	<u>under s. 553.899.</u>
2601	9.8. Any written inquiries by unit owners to the
2602	association relating to such matters, including written
2603	inquiries under s. 718.112(2)(a)2.
2604	10. The requirement for associations to maintain an
2605	insurance policy or fidelity bonding for all persons who control
2606	or disperse funds of the association under s. 718.111(11)(h).
2607	11. Board member education requirements under s.
2608	718.112(2)(d)5.b.
2609	12. Reporting requirements for structural integrity reserve
2610	studies under subsection (3) and under s. 718.112(2)(g)12.

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595-03812-25 20251742c3 2611 (b)1. The division may make necessary public or private 2612 investigations within or outside this state to determine whether 2613 any person has violated this chapter or any rule or order 2614 hereunder, to aid in the enforcement of this chapter, or to aid 2615 in the adoption of rules or forms. 2616 2. The division may submit any official written report, 2617 worksheet, or other related paper, or a duly certified copy 2618 thereof, compiled, prepared, drafted, or otherwise made by and 2619 duly authenticated by a financial examiner or analyst to be 2620 admitted as competent evidence in any hearing in which the 2.621 financial examiner or analyst is available for cross-examination 2622 and attests under oath that such documents were prepared as a 2623 result of an examination or inspection conducted pursuant to 2624 this chapter. 2625 (c) The division may require or permit any person to file a 2626 statement in writing, under oath or otherwise, as the division 2627 determines, as to the facts and circumstances concerning a 2628 matter to be investigated. 2629 (d) For the purpose of any investigation under this 2630 chapter, the division director or any officer or employee 2631 designated by the division director may administer oaths or 2632 affirmations, subpoena witnesses and compel their attendance, 2633 take evidence, and require the production of any matter which is 2634 relevant to the investigation, including the existence, description, nature, custody, condition, and location of any 2635 2636 books, documents, or other tangible things and the identity and 2637 location of persons having knowledge of relevant facts or any 2638 other matter reasonably calculated to lead to the discovery of 2639 material evidence. Upon the failure by a person to obey a

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595-03812-25 20251742c3 2640 subpoena or to answer questions propounded by the investigating 2641 officer and upon reasonable notice to all affected persons, the 2642 division may apply to the circuit court for an order compelling 2643 compliance. 2644 (e) Notwithstanding any remedies available to unit owners 2645 and associations, if the division has reasonable cause to 2646 believe that a violation of any provision of this chapter or 2647 related rule has occurred, the division may institute 2648 enforcement proceedings in its own name against any developer, 2649 bulk assignee, bulk buyer, association, officer, or member of 2650 the board of administration, or its assignees or agents, as 2651 follows: 2652 1. The division may permit a person whose conduct or 2653 actions may be under investigation to waive formal proceedings 2654 and enter into a consent proceeding whereby orders, rules, or 2655 letters of censure or warning, whether formal or informal, may 2656 be entered against the person. 2657 The division may issue an order requiring the developer, 2. 2658 bulk assignee, bulk buyer, association, developer-designated

2659 officer, or developer-designated member of the board of 2660 administration, developer-designated assignees or agents, bulk 2661 assignee-designated assignees or agents, bulk buyer-designated 2662 assignees or agents, community association manager, or community 2663 association management firm to cease and desist from the 2664 unlawful practice and take such affirmative action as in the 2665 judgment of the division carry out the purposes of this chapter. 2666 If the division finds that a developer, bulk assignee, bulk 2667 buyer, association, officer, or member of the board of 2668 administration, or its assignees or agents, is violating or is

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2669 about to violate any provision of this chapter, any rule adopted 2670 or order issued by the division, or any written agreement entered into with the division, and presents an immediate danger 2671 2672 to the public requiring an immediate final order, it may issue 2673 an emergency cease and desist order reciting with particularity 2674 the facts underlying such findings. The emergency cease and 2675 desist order is effective for 90 days. If the division begins 2676 nonemergency cease and desist proceedings, the emergency cease 2677 and desist order remains effective until the conclusion of the proceedings under ss. 120.569 and 120.57. 2678

2679 3. If a developer, bulk assignee, or bulk buyer fails to 2680 pay any restitution determined by the division to be owed, plus 2681 any accrued interest at the highest rate permitted by law, 2682 within 30 days after expiration of any appellate time period of 2683 a final order requiring payment of restitution or the conclusion 2684 of any appeal thereof, whichever is later, the division must 2685 bring an action in circuit or county court on behalf of any 2686 association, class of unit owners, lessees, or purchasers for 2687 restitution, declaratory relief, injunctive relief, or any other 2688 available remedy. The division may also temporarily revoke its 2689 acceptance of the filing for the developer to which the 2690 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

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595-03812-2520251742c32698defendant, including books, papers, documents, and related2699records, and allow the examination and use of the property by2700the division and a court-appointed receiver or conservator.

2701 5. The division may apply to the circuit court for an order 2702 of restitution whereby the defendant in an action brought under 2703 subparagraph 4. is ordered to make restitution of those sums 2704 shown by the division to have been obtained by the defendant in 2705 violation of this chapter. At the option of the court, such 2706 restitution is payable to the conservator or receiver appointed 2707 under subparagraph 4. or directly to the persons whose funds or 2708 assets were obtained in violation of this chapter.

2709 6. The division may impose a civil penalty against a 2710 developer, bulk assignee, or bulk buyer, or association, or its 2711 assignee or agent, for any violation of this chapter or related 2712 rule. The division may impose a civil penalty individually 2713 against an officer or board member who willfully and knowingly 2714 violates this chapter, an adopted rule, or a final order of the 2715 division; may order the removal of such individual as an officer 2716 or from the board of administration or as an officer of the 2717 association; and may prohibit such individual from serving as an 2718 officer or on the board of a community association for a period 2719 of time. The term "willfully and knowingly" means that the 2720 division informed the officer or board member that his or her 2721 action or intended action violates this chapter, a rule adopted 2722 under this chapter, or a final order of the division and that 2723 the officer or board member refused to comply with the 2724 requirements of this chapter, a rule adopted under this chapter, 2725 or a final order of the division. The division, before 2726 initiating formal agency action under chapter 120, must afford

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595-03812-25 20251742c3 2727 the officer or board member an opportunity to voluntarily 2728 comply, and an officer or board member who complies within 10 2729 days is not subject to a civil penalty. A penalty may be imposed 2730 on the basis of each day of continuing violation, but the 2731 penalty for any offense may not exceed \$5,000. The division 2732 shall $adopt_{\overline{r}}$ by rule_{\overline{r}} penalty guidelines applicable to possible 2733 violations or to categories of violations of this chapter or 2734 rules adopted by the division. The guidelines must specify a 2735 meaningful range of civil penalties for each such violation of 2736 the statute and rules and must be based upon the harm caused by 2737 the violation, upon the repetition of the violation, and upon 2738 such other factors deemed relevant by the division. For example, 2739 the division may consider whether the violations were committed 2740 by a developer, bulk assignee, or bulk buyer, or owner-2741 controlled association, the size of the association, and other 2742 factors. The quidelines must designate the possible mitigating 2743 or aggravating circumstances that justify a departure from the 2744 range of penalties provided by the rules. It is the legislative 2745 intent that minor violations be distinguished from those which 2746 endanger the health, safety, or welfare of the condominium 2747 residents or other persons and that such guidelines provide 2748 reasonable and meaningful notice to the public of likely 2749 penalties that may be imposed for proscribed conduct. This 2750 subsection does not limit the ability of the division to 2751 informally dispose of administrative actions or complaints by 2752 stipulation, agreed settlement, or consent order. All amounts 2753 collected shall be deposited with the Chief Financial Officer to 2754 the credit of the Division of Florida Condominiums, Timeshares, and Mobile Homes Trust Fund. If a developer, bulk assignee, or 2755

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2756 bulk buyer fails to pay the civil penalty and the amount deemed 2757 to be owed to the association, the division shall issue an order 2758 directing that such developer, bulk assignee, or bulk buyer 2759 cease and desist from further operation until such time as the 2760 civil penalty is paid or may pursue enforcement of the penalty 2761 in a court of competent jurisdiction. If an association fails to 2762 pay the civil penalty, the division shall pursue enforcement in 2763 a court of competent jurisdiction, and the order imposing the 2764 civil penalty or the cease and desist order is not effective 2765 until 20 days after the date of such order. Any action commenced 2766 by the division shall be brought in the county in which the 2767 division has its executive offices or in the county in which the 2768 violation occurred.

2769 7. If a unit owner presents the division with proof that 2770 the unit owner has requested access to official records in 2771 writing by certified mail, and that after 10 days the unit owner 2772 again made the same request for access to official records in 2773 writing by certified mail, and that more than 10 days has 2774 elapsed since the second request and the association has still 2775 failed or refused to provide access to official records as 2776 required by this chapter, the division shall issue a subpoena 2777 requiring production of the requested records at the location in 2778 which the records are kept pursuant to s. 718.112. Upon receipt 2779 of the records, the division must provide to the unit owner who 2780 was denied access to such records the produced official records 2781 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

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595-03812-25 20251742c3 2785 cause under paragraph (t). The civil penalty shall be at least 2786 \$500 but no more than \$5,000 for each violation. The court may 2787 also award to the prevailing party court costs and reasonable 2788 attorney fees and, if the division prevails, may also award 2789 reasonable costs of investigation. 2790 9. The division may issue citations and promulgate rules to 2791 provide for citation bases and citation procedures in accordance 2792 with this paragraph. 2793 (f) The division may prepare and disseminate a prospectus 2794 and other information to assist prospective owners, purchasers, 2795 lessees, and developers of residential condominiums in assessing 2796 the rights, privileges, and duties pertaining thereto. 2797 (g) The division may adopt rules to administer and enforce this chapter. 2798 2799 (h) The division shall establish procedures for providing 2800 notice to an association and the developer, bulk assignee, or 2801 bulk buyer during the period in which the developer, bulk 2802 assignee, or bulk buyer controls the association if the division 2803 is considering the issuance of a declaratory statement with 2804 respect to the declaration of condominium or any related 2805 document governing such condominium community. 2806 The division shall furnish each association that pays (i) 2807 the fees required by paragraph (2) (a) a copy of this chapter, as 2808 amended, and the rules adopted thereto on an annual basis. 2809 (j) The division shall annually provide each association with a summary of declaratory statements and formal legal 2810 2811 opinions relating to the operations of condominiums which were

rendered by the division during the previous year.

2813

2812

(k) The division shall provide training and educational

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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. 718.112(2)(d). The division shall adopt rules to implement this 2826 2827 section.

2828 (1) 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_{τ} by rule_{τ} additional factors for the certification of

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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

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

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2872 and community association managers; and community association 2873 management firms have an ongoing duty to reasonably cooperate 2874 with the division in any investigation under this section. The 2875 division shall refer to local law enforcement authorities any 2876 person whom the division believes has altered, destroyed, 2877 concealed, or removed any record, document, or thing required to 2878 be kept or maintained by this chapter with the purpose to impair 2879 its verity or availability in the department's investigation. 2880 The division shall refer to local law enforcement authorities 2881 any person whom the division believes has engaged in fraud, 2882 theft, embezzlement, or other criminal activity or when the division has cause to believe that fraud, theft, embezzlement, 2883 2884 or other criminal activity has occurred.

2885 (p) The division director or any officer or employee of the 2886 division and the condominium ombudsman or any employee of the 2887 Office of the Condominium Ombudsman may attend and observe any 2888 meeting of the board of administration or any unit owner 2889 meeting, including any meeting of a subcommittee or special 2890 committee, which is open to members of the association for the 2891 purpose of performing the duties of the division or the Office 2892 of the Condominium Ombudsman under this chapter.

2893

(q) The division may:

28941. Contract with agencies in this state or other2895jurisdictions to perform investigative functions; or

2896

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.

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595-03812-25 20251742c3 2901 (s) The division shall consider notice to a developer, bulk 2902 assignee, or bulk buyer to be complete when it is delivered to 2903 the address of the developer, bulk assignee, or bulk buyer 2904 currently on file with the division. 2905 (t) In addition to its enforcement authority, the division 2906 may issue a notice to show cause, which must provide for a 2907 hearing, upon written request, in accordance with chapter 120. 2908 (u) If the division receives a complaint regarding access 2909 to official records on the association's website or through an 2910 application that can be downloaded on a mobile device under s. 2911 718.111(12)(g), the division may request access to the 2912 association's website or application and investigate. The 2913 division may adopt rules to carry out this paragraph. 2914 The division shall submit to the Governor, the (V) 2915 President of the Senate, the Speaker of the House of 2916 Representatives, and the chairs of the legislative 2917 appropriations committees an annual report that includes, but 2918 need not be limited to, the number of training programs provided 2919 for condominium association board members and unit owners, the 2920 number of complaints received by type, the number and percent of 2921 complaints acknowledged in writing within 30 days and the number 2922 and percent of investigations acted upon within 90 days in 2923 accordance with paragraph (n), and the number of investigations 2924 exceeding the 90-day requirement. The annual report must also 2925 include an evaluation of the division's core business processes 2926 and make recommendations for improvements, including statutory 2927 changes. After December 31, 2024, the division must include a list of the associations that have completed the structural 2928 2929 integrity reserve study required under s. 718.112(2)(g). The

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2930	report shall be submitted by September 30 following the end of
2931	the fiscal year.
2932	(2)
2933	(d) Each condominium association must create and maintain
2934	an online account with the division, as required in subsection
2935	<u>(3).</u>
2936	(3) On or before October 1, 2025, all condominium
2937	associations must create and maintain an online account with the
2938	division and provide information requested by the division in an
2939	electronic format determined by the division. The division shall
2940	adopt rules to implement this subsection. The division may
2941	require condominium associations to provide such information no
2942	more than once per year, except that the division may require
2943	condominium associations to update the contact information in
2944	paragraph (a) within 30 days after any change. The division
2945	shall provide a condominium association at least a 45-day notice
2946	of any requirement to provide any information after the
2947	condominium association initially creates an online account. The
2948	information that the division may require from condominium
2949	associations is limited to:
2950	(a) Contact information for the association that includes:
2951	1. Name of the association.
2952	2. The physical address of the condominium property.
2953	3. Mailing address and county of the association.
2954	4. E-mail address and telephone number for the association.
2955	5. Name and board title for each member of the
2956	association's board.
2957	6. Name and contact information of the association's
2958	community association manager or community association

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2959	management firm, if applicable.
2960	7. The hyperlink or website address of the association's
2961	website, if applicable.
2962	(b) Total number of buildings and for each building in the
2963	association:
2964	1. Total number of stories, including both habitable and
2965	uninhabitable stories.
2966	2. Total number of units.
2967	3. Age of each building based on the certificate of
2968	occupancy.
2969	4. Any construction commenced within the common elements
2970	within the calendar year.
2971	(c) The association's assessments, including the:
2972	1. Amount of assessment or special assessment by unit type,
2973	including reserves.
2974	2. Purpose of the assessment or special assessment.
2975	3. Name of the financial institution or institutions with
2976	which the association maintains accounts.
2977	(d) A copy of any structural integrity reserve study and
2978	any associated materials requested by the department within 5
2979	business days after such request, in a manner prescribed by the
2980	department.
2981	(a) On or before January 1, 2023, condominium associations
2982	existing on or before July 1, 2022, must provide the following
2983	information to the division in writing, by e-mail, United States
2984	Postal Service, commercial delivery service, or hand delivery,
2985	at a physical address or e-mail address provided by the division
2986	and on a form posted on the division's website:
2987	1. The number of buildings on the condominium property that
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2988	are three stories or higher in height.
2989	2. The total number of units in all such buildings.
2990	3. The addresses of all such buildings.
2991	4. The counties in which all such buildings are located.
2992	(b) The division must compile a list of the number of
2993	buildings on condominium property that are three stories or
2994	higher in height, which is searchable by county, and must post
2995	the list on the division's website. This list must include all
2996	of the following information:
2997	1. The name of each association with buildings on the
2998	condominium property that are three stories or higher in height.
2999	2. The number of such buildings on each association's
3000	property.
3001	3. The addresses of all such buildings.
3002	4. The counties in which all such buildings are located.
3003	(c) An association must provide an update in writing to the
3004	division if there are any changes to the information in the list
3005	under paragraph (b) within 6 months after the change.
3006	Section 9. Paragraph (d) of subsection (1) and paragraphs
3007	(d) and (e) of subsection (2) of section 718.503, Florida
3008	Statutes, are amended, to read:
3009	718.503 Developer disclosure prior to sale; nondeveloper
3010	unit owner disclosure prior to sale; voidability
3011	(1) DEVELOPER DISCLOSURE
3012	(d) Milestone inspection, turnover inspection report, or
3013	structural integrity reserve studyIf the association is
3014	required to have completed a milestone inspection as described
3015	in s. 553.899, a turnover inspection report for a turnover
3016	inspection performed on or after July 1, 2023, or a structural
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595-03812-25 20251742c3 3017 integrity reserve study, and the association has not completed 3018 the milestone inspection, the turnover inspection report, or the 3019 structural integrity reserve study, each contract entered into 3020 after December 31, 2024, for the sale of a residential unit 3021 shall contain in conspicuous type a statement indicating that 3022 the association is required to have a milestone inspection, a 3023 turnover inspection report, or a structural integrity reserve 3024 study and has not completed such inspection, report, or study, 3025 as appropriate. If the association is not required to have a 3026 milestone inspection as described in s. 553.899 or a structural 3027 integrity reserve study, each contract entered into after 3028 December 31, 2024, for the sale of a residential unit shall 3029 contain in conspicuous type a statement indicating that the 3030 association is not required to have a milestone inspection or a 3031 structural integrity reserve study, as appropriate. If the 3032 association has completed a milestone inspection as described in 3033 s. 553.899, a turnover inspection report for a turnover 3034 inspection performed on or after July 1, 2023, or a structural 3035 integrity reserve study, each contract entered into after 3036 December 31, 2024, for the sale of a residential unit shall 3037 contain in conspicuous type:

3038 1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES 3039 THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE INSPECTOR-3040 PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF 3041 3042 THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION 3043 718.301(4)(p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A 3044 COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY 3045 RESERVE STUDY DESCRIBED IN SECTIONS 718.103(26) AND

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595-03812-25 20251742c3 3046 718.112(2)(q), FLORIDA STATUTES, IF APPLICABLE, MORE THAN 15 3047 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, BEFORE PRIOR TO EXECUTION OF THIS CONTRACT; and 3048 3049 2. A clause which states: THIS AGREEMENT IS VOIDABLE BY 3050 BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO 3051 CANCEL WITHIN 15 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL 3052 HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE 3053 BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE INSPECTOR-3054 PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF 3055 3056 THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION 3057 718.301(4)(p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY 3058 3059 RESERVE STUDY DESCRIBED IN SECTIONS 718.103(26) AND 3060 718.112(2)(q), FLORIDA STATUTES, IF APPLICABLE. ANY PURPORTED 3061 WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER 3062 MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 15 3063 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER 3064 THE BUYER RECEIVES A CURRENT COPY OF THE INSPECTOR-PREPARED 3065 SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN 3066 SECTION 553.899, FLORIDA STATUTES; A COPY OF THE TURNOVER 3067 INSPECTION REPORT DESCRIBED IN SECTION 718.301(4) (p) AND (q), FLORIDA STATUTES; OR A COPY OF THE ASSOCIATION'S MOST RECENT 3068 3069 STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS 3070 718.103(26) AND 718.112(2)(q), FLORIDA STATUTES, IF REQUESTED IN WRITING. BUYER'S RIGHT TO VOID THIS AGREEMENT SHALL TERMINATE AT 3071 3072 CLOSING. 3073

3074 A contract that does not conform to the requirements of this

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595-03812-25 20251742c3 3075 paragraph is voidable at the option of the purchaser before 3076 prior to closing. 3077 (2) NONDEVELOPER DISCLOSURE.-(d) Each contract entered into after July 1, 1992, for the 3078 3079 resale of a residential unit must shall contain in conspicuous 3080 type either: 3081 1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES 3082 THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE DECLARATION 3083 OF CONDOMINIUM, ARTICLES OF INCORPORATION OF THE ASSOCIATION, 3084 BYLAWS AND RULES OF THE ASSOCIATION, A COPY OF THE MOST RECENT 3085 ANNUAL FINANCIAL STATEMENT AND ANNUAL BUDGET, AND FREQUENTLY 3086 ASKED QUESTIONS AND ANSWERS DOCUMENT MORE THAN 7 3 DAYS, 3087 EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, BEFORE PRIOR 3088 TO EXECUTION OF THIS CONTRACT; or 3089 2. A clause which states: THIS AGREEMENT IS VOIDABLE BY 3090 BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO 3091 CANCEL WITHIN 7 3 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL 3092 HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE 3093 BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE DECLARATION 3094 OF CONDOMINIUM, ARTICLES OF INCORPORATION, BYLAWS AND RULES OF 3095 THE ASSOCIATION, A COPY OF THE MOST RECENT ANNUAL FINANCIAL 3096 STATEMENT AND ANNUAL BUDGET, AND FREQUENTLY ASKED QUESTIONS AND 3097 ANSWERS DOCUMENT IF SO REQUESTED IN WRITING. ANY PURPORTED 3098 WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER 3099 MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 7 3100 3 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER 3101 THE BUYER RECEIVES THE DECLARATION, ARTICLES OF INCORPORATION, BYLAWS AND RULES OF THE ASSOCIATION, AND A COPY OF THE MOST 3102 RECENT YEAR-END FINANCIAL STATEMENT AND ANNUAL BUDGET 3103

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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 milestone inspection as described in s. 553.899, a turnover 3112 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, 2023, or a structural integrity reserve study, each contract 3132

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595-03812-25 20251742c3 3133 entered into after December 31, 2024, for the resale of a residential unit shall contain in conspicuous type: 3134 3135 1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE INSPECTOR-3136 3137 PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED 3138 IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF 3139 THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION 3140 718.301(4)(p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY 3141 3142 RESERVE STUDY DESCRIBED IN SECTIONS 718.103(26) AND 3143 718.112(2)(q), FLORIDA STATUTES, IF APPLICABLE, MORE THAN 7 3 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, BEFORE 3144 PRIOR TO EXECUTION OF THIS CONTRACT; and 3145 2. A clause which states: THIS AGREEMENT IS VOIDABLE BY 3146 3147 BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO CANCEL WITHIN 7 3 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL 3148 3149 HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE INSPECTOR-3150 3151 PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED 3152 IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION 3153 3154 718.301(4)(p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY 3155 3156 RESERVE STUDY DESCRIBED IN SECTIONS 718.103(26) AND 718.112(2)(q), FLORIDA STATUTES, IF APPLICABLE. ANY PURPORTED 3157

3158 WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER 3159 MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN <u>7</u> 3160 3 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER 3161 THE BUYER RECEIVES A CURRENT COPY OF THE INSPECTOR-PREPARED

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1	595-03812-25 20251742c3
3162	SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN
3163	SECTION 553.899, FLORIDA STATUTES; A COPY OF THE TURNOVER
3164	INSPECTION REPORT DESCRIBED IN SECTION $718.301(4)(p)$ AND (q),
3165	FLORIDA STATUTES; OR A COPY OF THE ASSOCIATION'S MOST RECENT
3166	STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS
3167	718.103(26) AND 718.112(2)(g), FLORIDA STATUTES, IF REQUESTED IN
3168	WRITING. BUYER'S RIGHT TO VOID THIS AGREEMENT SHALL TERMINATE AT
3169	CLOSING.
3170	
3171	A contract that does not conform to the requirements of this
3172	paragraph is voidable at the option of the purchaser <u>before</u>
3173	prior to closing.
3174	Section 10. Section 8 of chapter 2024-244, Laws of Florida,
3175	is amended to read:
3176	Section 8. Effective January 1, 2026, paragraph (g) of
3177	subsection (12) of section 718.111, Florida Statutes, as amended
3178	by this act, is amended to read:
3179	718.111 The association
3180	(12) OFFICIAL RECORDS
3181	(g)1. An association managing a condominium with 25 or more
3182	units which does not contain timeshare units shall post digital
3183	copies of the documents specified in subparagraph 2. on its
3184	website or make such documents available through an application
3185	that can be downloaded on a mobile device. <u>Unless a shorter</u>
3186	period is otherwise required, a document must be made available
3187	on the association's website or made available for download
3188	through an application on a mobile device within 30 days after
3189	the association receives or creates an official record specified
3190	in subparagraph 2.
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595-03812-25 20251742c3 3191 a. The association's website or application must be: 3192 (I) An independent website, application, or web portal 3193 wholly owned and operated by the association; or 3194 (II) A website, application, or web portal operated by a 3195 third-party provider with whom the association owns, leases, 3196 rents, or otherwise obtains the right to operate a web page, 3197 subpage, web portal, collection of subpages or web portals, or 3198 an application which is dedicated to the association's 3199 activities and on which required notices, records, and documents 3200 may be posted or made available by the association. 3201 b. The association's website or application must be 3202 accessible through the Internet and must contain a subpage, web 3203 portal, or other protected electronic location that is 3204 inaccessible to the general public and accessible only to unit 3205 owners and employees of the association. 3206 c. Upon a unit owner's written request, the association 3207 must provide the unit owner with a username and password and 3208 access to the protected sections of the association's website or 3209 application which contain any notices, records, or documents 3210 that must be electronically provided. 3211 2. A current copy of the following documents must be posted 3212 in digital format on the association's website or application: The recorded declaration of condominium of each 3213 a. 3214 condominium operated by the association and each amendment to 3215 each declaration. 3216 b. The recorded bylaws of the association and each 3217 amendment to the bylaws.

3218 c. The articles of incorporation of the association, or 3219 other documents creating the association, and each amendment to

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595-03812-25 20251742c3 3220 the articles of incorporation or other documents. The copy 3221 posted pursuant to this sub-subparagraph must be a copy of the 3222 articles of incorporation filed with the Department of State. 3223 d. The rules of the association. 3224 The approved minutes of all board of administration e. 3225 meetings over the preceding 12 months. 3226 f. The video recording or a hyperlink to the video 3227 recording for all meetings of the association, the board of 3228 administration, any committee, and the unit owners which are 3229 conducted by video conference over the preceding 12 months. 3230 g. A list of all executory contracts or documents to which 3231 the association is a party or under which the association or the 3232 unit owners have an obligation or responsibility and, after 3233 bidding for the related materials, equipment, or services has 3234 closed, a list of bids received by the association within the 3235 past year. Summaries of bids for materials, equipment, or 3236 services which exceed \$500 must be maintained on the website or 3237 application for 1 year. In lieu of summaries, complete copies of 3238 the bids may be posted. 3239 h.f. The annual budget required by s. 718.112(2)(f) and any 3240 proposed budget to be considered at the annual meeting. 3241 i.g. The financial report required by subsection (13) and 3242 any monthly income or expense statement to be considered at a 3243 meeting. 3244 j.h. The certification of each director required by s. 718.112(2)(d)4.b. 3245 3246 k.i. All contracts or transactions between the association 3247 and any director, officer, corporation, firm, or association 3248 that is not an affiliated condominium association or any other

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595-03812-25 20251742c3 3249 entity in which an association director is also a director or 3250 officer and financially interested. 3251 1.j. Any contract or document regarding a conflict of 3252 interest or possible conflict of interest as provided in ss. 468.4335, 468.436(2)(b)6., and 718.3027(3). 3253 3254 m.k. The notice of any unit owner meeting and the agenda 3255 for the meeting, as required by s. 718.112(2)(d)3., no later 3256 than 14 days before the meeting. The notice must be posted in 3257 plain view on the front page of the website or application, or 3258 on a separate subpage of the website or application labeled 3259 "Notices" which is conspicuously visible and linked from the 3260 front page. The association must also post on its website or 3261 application any document to be considered and voted on by the 3262 owners during the meeting or any document listed on the agenda 3263 at least 7 days before the meeting at which the document or the 3264 information within the document will be considered. 3265 n.1. Notice of any board meeting, the agenda, and any other 3266 document required for the meeting as required by s. 3267 718.112(2)(c), which must be posted no later than the date 3268 required for notice under s. 718.112(2)(c). 3269 o.m. The inspection reports described in ss. 553.899 and 3270 718.301(4)(p) and any other inspection report relating to a 3271 structural or life safety inspection of condominium property. 3272 p.n. The association's most recent structural integrity 3273 reserve study, if applicable. q.o. Copies of all building permits issued for ongoing or 3274 3275 planned construction. 3276 r. A copy of all affidavits required by this chapter. 3277 s. A copy of all investment policy statements adopted

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3278	pursuant to paragraph (16)(c), and all financial statements
3279	related to the association's investment of funds under
3280	subsection (16).

3281 3. The association shall ensure that the information and 3282 records described in paragraph (c), which are not allowed to be 3283 accessible to unit owners, are not posted on the association's 3284 website or application. If protected information or information 3285 restricted from being accessible to unit owners is included in 3286 documents that are required to be posted on the association's 3287 website or application, the association shall ensure the 3288 information is redacted before posting the documents. 3289 Notwithstanding the foregoing, the association or its agent is 3290 not liable for disclosing information that is protected or 3291 restricted under this paragraph unless such disclosure was made with a knowing or intentional disregard of the protected or 3292 3293 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.

3298 Section 11. Section 31 of chapter 2024-244, Laws of 3299 Florida, is amended to read:

3300 Section 31. The amendments made to ss. 718.103(14) and 3301 718.202(3) and 718.407(1), (2), and (6), Florida Statutes, as 3302 created by this act, <u>may not</u> are intended to clarify existing 3303 law and shall apply retroactively <u>and shall only apply to</u> 3304 <u>condominiums for which declarations were initially recorded on</u> 3305 <u>or after October 1, 2024</u>. However, such amendments do not revive 3306 or reinstate any right or interest that has been fully and

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3307	finally adjudicated as invalid before October 1, 2024.
3308	Section 12. Subsection (13) is added to section 719.104,
3309	Florida Statutes, to read:
3310	719.104 Cooperatives; access to units; records; financial
3311	reports; assessments; purchase of leases
3312	(13) INVESTMENT OF ASSOCIATION FUNDS
3313	(a) A board shall, in fulfilling its duty to manage
3314	operating and reserve funds of its association, use best efforts
3315	to make prudent investment decisions that carefully consider
3316	risk and return in an effort to maximize returns on invested
3317	funds.
3318	(b) An association may invest reserve funds in one or any
3319	combination of certificates of deposit or in depository accounts
3320	at a community bank, savings bank, commercial bank, savings and
3321	loan association, or credit union. Upon a majority vote of the
3322	voting interests, an association may invest reserve funds in
3323	investments other than certificates of deposit or depository
3324	accounts at a community bank, savings bank, commercial bank,
3325	savings and loan association, or credit union, provided the
3326	association complies with paragraphs (c)-(g). Notwithstanding
3327	any declaration, only funds identified as reserve funds may be
3328	invested pursuant to paragraphs (c)-(g). Paragraphs (c)-(g) do
3329	not apply to funds invested in one or any combination of
3330	certificates of deposit or depository accounts at a community
3331	bank, savings bank, commercial bank, savings and loan
3332	association, or credit union.
3333	(c) The board shall create an investment committee composed
3334	of at least two board members and two-unit unit members who are
3335	unit owners but not board members. The board shall also adopt

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3336	rules for invested funds, including, but not limited to, rules
3337	requiring periodic reviews of any investment manager's
3338	performance, the development of an investment policy statement,
3339	and that all meetings of the investment committee be recorded
3340	and made part of the official records of the association. The
3341	investment policy statement developed pursuant to this paragraph
3342	must, at a minimum, address risk, liquidity, and benchmark
3343	measurements; authorized classes of investments; authorized
3344	investment mixes; limitations on authority relating to
3345	investment transactions; requirements for projected reserve
3346	expenditures within, at minimum, the next 24 months to be held
3347	in cash or cash equivalents; projected expenditures relating to
3348	an inspection performed pursuant to s. 553.899; and protocols
3349	for proxy response.
3350	(d) The investment committee shall recommend investment
3351	advisers to the board, and the board shall select one of the
3352	recommended investment advisers to provide services to the
3353	association. Such investment advisers must be registered or have
3354	notice filed under s. 517.12. The selected investment adviser
3355	and any representative or association of the investment adviser
3356	may not be related by affinity or consanguinity to, or under
3357	common ownership with, any board member, community management
3358	company, reserve study provider, or a co-owner of a unit with a
3359	board member or investment committee member. The investment
3360	adviser shall comply with the prudent investor rule in s.
3361	518.11. The investment adviser shall act as a fiduciary to the
3362	association in compliance with the standards set forth in the
3363	Employee Retirement Income Security Act of 1974 at 29 U.S.C. s.
3364	1104(a)(1)(A)-(C). In case of conflict with other laws

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3365	authorizing investments, the investment and fiduciary standards
3366	set forth in this subsection must prevail. If at any time the
3367	investment committee determines that an investment adviser does
3368	not meet the requirements of this section, the investment
3369	committee must recommend a replacement investment adviser to the
3370	board.
3371	(e) At least once each calendar year, or sooner if a
3372	substantial financial obligation of the association becomes
3373	known to the board, the association must provide the investment
3374	adviser with the association's investment policy statement, the
3375	most recent reserve study report, the association's structural
3376	integrity report, and the financial reports prepared pursuant to
3377	subsection (13). If there is no recent reserve study report, the
3378	association must provide the investment adviser with a good
3379	faith estimate disclosing the annual amount of reserve funds
3380	necessary for the association to fund reserves fully for the
3381	life of each reserve component and each component's
3382	redundancies. The investment adviser shall annually review these
3383	documents and provide the association with a portfolio
3384	allocation model that is suitably structured and prudently
3385	designed to match projected annual reserve fund requirements and
3386	liability, assets, and liquidity requirements. The investment
3387	adviser shall prepare a funding projection for each reserve
3388	component, including any of the component's redundancies. The
3389	association shall have available at all times a minimum of 24
3390	months of projected reserves in cash or cash equivalents.
3391	(f) Portfolios managed by the investment adviser may
3392	contain any type of investment necessary to meet the objectives
3393	in the investment policy statement; however, portfolios may not

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3394	contain stocks, securities, or other obligations that the State
3395	Board of Administration is prohibited from investing in under s.
3396	215.471, s. 215.4725, or s. 215.473 or that state agencies are
3397	prohibited from investing in under s. 215.472, as determined by
3398	the investment adviser. Any funds invested by the investment
3399	adviser must be held in third-party custodial accounts that are
3400	subject to insurance coverage by the Securities Investor
3401	Protection Corporation in an amount equal to or greater than the
3402	invested amount. The investment adviser may withdraw investment
3403	fees, expenses, and commissions from invested funds.
3404	(g) The investment adviser shall:
3405	1. Annually provide the association with a written
3406	certification of compliance with this section and a list of
3407	stocks, securities, and other obligations that are prohibited
3408	from being in association portfolios under paragraph (f); and
3409	2. Submit monthly, quarterly, and annual reports to the
3410	association which are prepared in accordance with established
3411	financial industry standards and in accordance with chapter 517.
3412	(h) Any principal, earnings, or interest managed under this
3413	subsection must be available at no cost or charge to the
3414	association within 15 business days after delivery of the
3415	association's written or electronic request.
3416	(i) Unallocated income earned on reserve fund investments
3417	may be spent only on capital expenditures, planned maintenance,
3418	structural repairs, or other items for which the reserve
3419	accounts have been established. Any surplus of funds that
3420	exceeds the amount required to maintain reasonably funded
3421	reserves must be managed pursuant to s. 718.115.
3422	Section 13. Paragraphs (j) and (k) of subsection (1) of

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595-03812-25 20251742c3 3423 section 719.106, Florida Statutes, are amended to read: 3424 719.106 Bylaws; cooperative ownership.-3425 (1) MANDATORY PROVISIONS.-The bylaws or other cooperative 3426 documents shall provide for the following, and if they do not, 3427 they shall be deemed to include the following: 3428 (j) Annual budget.-3429 1. The proposed annual budget of common expenses must be 3430 detailed and must show the amounts budgeted by accounts and expense classifications, including, if applicable, but not 3431 3432 limited to, those expenses listed in s. 719.504(20). The board 3433 of administration shall adopt the annual budget at least 14 days 3434 before the start of the association's fiscal year. In the event 3435 that the board fails to timely adopt the annual budget a second 3436 time, it is deemed a minor violation and the prior year's budget 3437 shall continue in effect until a new budget is adopted. 3438 2.a. In addition to annual operating expenses, the budget 3439 must include reserve accounts for capital expenditures and 3440 deferred maintenance. These accounts must include, but not be 3441 limited to, roof replacement, building painting, and pavement 3442 resurfacing, regardless of the amount of deferred maintenance 3443 expense or replacement cost, and for any other items for which 3444 the deferred maintenance expense or replacement cost exceeds 3445 \$25,000 or the inflation-adjusted amount determined by the 3446 division under subparagraph 5., whichever amount is greater 3447 $\frac{10,000}{10,000}$. The amount to be reserved must be computed by means of 3448 a formula which is based upon estimated remaining useful life 3449 and estimated replacement cost or deferred maintenance expense 3450 of the reserve item. In a budget adopted by an association that 3451 is required to obtain a structural integrity reserve study,

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3452 reserves must be maintained for the items identified in 3453 paragraph (k) for which the association is responsible pursuant 3454 to the declaration, and the reserve amount for such items must 3455 be based on the findings and recommendations of the 3456 association's most recent structural integrity reserve study. 3457 With respect to items for which an estimate of useful life is 3458 not readily ascertainable or with an estimated remaining useful 3459 life of greater than 25 years, an association is not required to 3460 reserve replacement costs for such items, but an association 3461 must reserve the amount of deferred maintenance expense, if any, 3462 which is recommended by the structural integrity reserve study 3463 for such items. The association may adjust replacement reserve 3464 assessments annually to take into account an inflation 3465 adjustment and any changes in estimates or extension of the 3466 useful life of a reserve item caused by deferred maintenance.

3467 b. The members of a unit-owner-controlled association may 3468 determine, by a majority vote of the total voting interests of 3469 the association, for a fiscal year to provide no reserves or 3470 reserves less adequate than required by this subsection. Before 3471 turnover of control of an association by a developer to unit 3472 owners other than a developer under s. 719.301, the developer-3473 controlled association may not vote to waive the reserves or 3474 reduce funding of the reserves.

3475 <u>c.</u> For a budget adopted on or after December 31, 2024, a 3476 unit-owner-controlled association that must obtain a structural 3477 integrity reserve study may not determine to provide no reserves 3478 or reserves less adequate than required by this paragraph for 3479 items listed in paragraph (k). If a meeting of the unit owners 3480 has been called to determine to provide no reserves, or reserves

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3481	less adequate than required, and such result is not attained or
3482	a quorum is not attained, the reserves as included in the budget
3483	shall go into effect.
3484	d. If the local building official as defined in s. 468.603,
3485	determines that the entire cooperative building is uninhabitable
3486	due to a natural emergency as defined in s. 252.34, the board
3487	may pause the contribution to its reserves or reduce reserve
3488	funding until the local building official determines that the
3489	cooperative building is habitable. Any reserve account funds
3490	held by the association may be expended, pursuant to the board's
3491	determination, to make the cooperative building and its
3492	structures habitable. Upon the determination by the local
3493	building official that the cooperative building is habitable,
3494	the association must immediately resume contributing funds to
3495	its reserves.
3496	e. Reserves for the items listed in paragraph (g) may be
3497	funded by regular assessments, special assessments, lines of
3498	credit, or loans.
3499	3. A unit-owner-controlled association that must have a
3500	structural reserve study may secure a line of credit or a loan
3501	to fund capital expenses required by a milestone inspection
3502	under s. 553.899 or a structural integrity reserve study. Any
3503	line of credit or loan under this subparagraph requires the
3504	approval of a majority vote of the total voting interests of the
3505	association. The lines of credit or loans must be sufficient to
3506	fund the cumulative amount of any previously waived or unfunded
3507	portion of the reserve funding amount required by this paragraph
3508	and the most recent structural integrity reserve study. Funding
3509	from the line of credit or loans must be immediately available

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3510	for access by the board to fund required repair, maintenance, or
3511	replacement expenses without further approval by the members of
3512	the association. Any lines of credit or loans secured under this
3513	paragraph must be included in the financial report required
3514	under s. 719.104(4).
3515	a. For a budget adopted on or before December 31, 2028, if
3516	the association has completed a milestone inspection pursuant to
3517	s. 553.899 within the previous 2 calendar years, the board, upon
3518	the approval of a majority of the total voting interests of the
3519	association, may temporarily pause, for a period of no more than
3520	2 consecutive annual budgets, reserve fund contributions or
3521	reduce the amount of reserve funding for the purpose of funding
3522	repairs recommended by the milestone inspection. This sub-
3523	subparagraph does not apply to a developer-controlled
3524	association and an association in which the nondeveloper unit
3525	owners have been in control for less than 1 year.
3526	b. An association that has paused reserve contributions
3527	under this sub-subparagraph a. must have a structural integrity
3528	reserve study performed before the continuation of reserve
3529	contributions in order to determine the association's reserve
3530	funding needs and to recommend a reserve funding plan.
3531	4.3. Reserve funds and any interest accruing thereon shall
3532	remain in the reserve account or accounts, and shall be used
3533	only for authorized reserve expenditures unless their use for
3534	other purposes is approved in advance by a vote of the majority
3535	of the total voting interests of the association. Before
3536	turnover of control of an association by a developer to unit
3537	owners other than the developer under s. 719.301, the developer
3538	may not vote to use reserves for purposes other than that for

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3539	which they were intended. For a budget adopted on or after
3540	December 31, 2024, members of a unit-owner-controlled
3541	association that must obtain a structural integrity reserve
3542	study may not vote to use reserve funds, or any interest
3543	accruing thereon, for purposes other than the replacement or
3544	deferred maintenance costs of the components listed in paragraph
3545	(k). A vote of the members is not required for the board to
3546	change the accounting method for reserves to a pooling
3547	accounting method or a straight-line accounting method.
3548	5. The division shall annually adjust for inflation, based
3549	on the Consumer Price Index for All Urban Consumers released in
3550	January of each year, the minimum \$25,000 threshold amount for
3551	required reserves. By February 1, 2026, and annually thereafter,
3552	the division must conspicuously post on its website the
3553	inflation-adjusted minimum threshold amount for required
3554	reserves.
3555	(k) Structural integrity reserve study
3556	1. A residential cooperative association must have a
3557	structural integrity reserve study completed at least every 10
3558	years for each building on the cooperative property that is
3559	three stories or higher in height, as determined by the Florida
3560	Building Code, that includes, at a minimum, a study of the
3561	following items as related to the structural integrity and
3562	safety of the building:
3563	a. Roof.
3564	b. Structure, including load-bearing walls and other
3565	primary structural members and primary structural systems as
3566	those terms are defined in s. 627.706.
3567	c. Fireproofing and fire protection systems.

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595-03812-25 20251742c3 3568 d. Plumbing. 3569 e. Electrical systems. 3570 f. Waterproofing and exterior painting. 3571 g. Windows and exterior doors. Any other item that has a deferred maintenance expense 3572 h. 3573 or replacement cost that exceeds \$25,000 or the inflation-3574 adjusted amount determined by the division under subparagraph (j)5., whichever is greater, $\frac{10,000}{1000}$ and the failure to replace 3575 3576 or maintain such item negatively affects the items listed in 3577 sub-subparagraphs a.-g., as determined by the visual inspection 3578 portion of the structural integrity reserve study. 3579 2. A structural integrity reserve study is based on a 3580 visual inspection of the cooperative property. 3581 3.a. A structural integrity reserve study may be performed 3582 by any person qualified to perform such study. However, 3583 including the visual inspection portion of the structural 3584 integrity reserve study, must be performed or verified by an engineer licensed under chapter 471, an architect licensed under 3585 3586 chapter 481, or a person certified as a reserve specialist or 3587 professional reserve analyst by the Community Associations 3588 Institute or the Association of Professional Reserve Analysts. 3589 b. Any design professional as defined in s. 558.002(7) or 3590 contractor licensed under chapter 489 who bids to perform a 3591 structural integrity reserve study must disclose in writing to 3592 the association his or her intent to bid on any services related 3593 to any maintenance, repair, or replacement that may be 3594 recommended by the structural integrity reserve study. Any 3595 design professional as defined in s. 558.002 or contractor 3596 licensed under chapter 489 who submits a bid to the association

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3597	for performing any services recommended by the structural
3598	integrity reserve study may not have an interest, directly or
3599	indirectly, in the firm or entity providing the association's
3600	structural integrity reserve study or be a relative of any
3601	person having a direct or indirect interest in such firm, unless
3602	such relationship is disclosed to the association in writing. As
3603	used in this section, the term "relative" means a relative
3604	within the third degree of consanguinity by blood or marriage. A
3605	contract for services is voidable and terminates upon the
3606	association filing a written notice terminating the contract if
3607	the design professional or licensed contractor failed to provide
3608	the written disclosure of the relationship required under this
3609	paragraph. A design professional or licensed contractor may be
3610	subject to discipline under the applicable practice act for his
3611	or her profession for failure to provide the written disclosure
3612	of the relationship required under this subparagraph.
3613	<u>4.a.3. At a minimum, a structural integrity reserve study</u>

3614 must identify each item of the cooperative property being 3615 visually inspected, state the estimated remaining useful life 3616 and the estimated replacement cost or deferred maintenance 3617 expense of each item of the cooperative property being visually 3618 inspected, and provide a reserve funding schedule with a 3619 recommended annual reserve amount that achieves the estimated 3620 replacement cost or deferred maintenance expense of each item of 3621 cooperative property being visually inspected by the end of the 3622 estimated remaining useful life of the item. The structural 3623 integrity reserve study may recommend that reserves do not need 3624 to be maintained for any item for which an estimate of useful life and an estimate of replacement cost cannot be determined, 3625

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3626	or the study may recommend a deferred maintenance expense amount
3627	for such item. At a minimum, the structural integrity reserve
3628	study must include a recommendation for a reserve funding
3629	schedule based on a baseline funding plan that provides a
3630	reserve funding goal in which the reserve funding for each
3631	budget year is sufficient to maintain the reserve cash balance
3632	above zero. The study may recommend other types of reserve
3633	funding schedules, provided that each recommended schedule is
3634	sufficient to meet the association's maintenance obligation.
3635	b. The structural integrity reserve study may recommend
3636	that reserves for replacement costs do not need to be maintained
3637	for any item with an estimated remaining useful life of greater
3638	than 25 years, but the study may recommend a deferred
3639	maintenance expense amount for such item. If the structural
3640	integrity reserve study recommends reserves for any item for
3641	which reserves are not required under this paragraph, the amount
3642	of the recommended reserves for such item must be separately
3643	identified in the structural integrity reserve study as an item
3644	for which reserves are not required under this paragraph.
3645	c. The structural integrity reserve study must take into
3646	consideration the funding method or methods used by the
3647	association to fund its maintenance and reserve funding
3648	obligations through regular assessments, special assessments,
3649	lines of credit, or loans. If the structural integrity reserve
3650	study is performed before the association has approved a special
3651	assessment or secured a line of credit or a loan, the structural
3652	integrity reserve study must be updated to reflect the funding
3653	method selected by the association and its effect on the reserve
3654	funding schedule, including any anticipated change in the amount
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595-03812-25 20251742c3 3655 of regular assessments. The structural integrity reserve study 3656 may be updated to reflect any changes to the useful life of the 3657 reserve items after such items are repaired or replaced, and the 3658 effect such repair or replacement will have on the reserve 3659 funding schedule. The association must obtain an updated 3660 structural integrity reserve study before adopting any budget in 3661 which the reserve funding from regular assessments, special assessments, lines of credit, or loans do not align with the 3662 3663 funding plan from the most recent version of the structural 3664 integrity reserve study.

3665 <u>5.4</u>. This paragraph does not apply to buildings less than 3666 three stories in height; single-family, two-family, or three-3667 family dwellings with three or fewer habitable stories above 3668 ground; any portion or component of a building that has not been 3669 submitted to the cooperative form of ownership; or any portion 3670 or component of a building that is maintained by a party other 3671 than the association.

3672 <u>6.5.</u> Before a developer turns over control of an 3673 association to unit owners other than the developer, the 3674 developer must have a turnover inspection report in compliance 3675 with s. 719.301(4)(p) and (q) for each building on the 3676 cooperative property that is three stories or higher in height.

<u>7.6.</u> 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 3680 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

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595-03812-25 20251742c3 3684 the structural integrity reserve study simultaneously with the 3685 milestone inspection. In no event may the structural integrity 3686 reserve study be completed after December 31, 2026. 3687 8.7. If the milestone inspection required by s. 553.899, or 3688 an inspection completed for a similar local requirement, was 3689 performed within the past 5 years and meets the requirements of 3690 this paragraph, such inspection may be used in place of the 3691 visual inspection portion of the structural integrity reserve 3692 study. 3693 9. If the association completes a milestone inspection 3694 required by s. 553.899, or an inspection completed for a similar 3695 local requirement, the association may delay performance of a 3696 required structural integrity reserve study for no more than the 3697 2 consecutive budget years immediately following the milestone 3698 inspection in order to allow the association to focus its 3699 financial resources on completing the repair and maintenance 3700 recommendations of the milestone inspection. 3701 10.8. If the officers or directors of an association 3702 willfully and knowingly fail to complete a structural integrity 3703 reserve study pursuant to this paragraph, such failure is a 3704 breach of an officer's and director's fiduciary relationship to

3705 the unit owners under s. 719.104(9). <u>An officer or a director of</u> 3706 <u>the association must sign an affidavit acknowledging receipt of</u> 3707 <u>the completed structural integrity reserve study.</u>

3708 <u>11.9</u>. Within 45 days after receiving the structural 3709 integrity reserve study, the association must distribute a copy 3710 of the study to each unit owner or deliver to each unit owner a 3711 notice that the completed study is available for inspection and 3712 copying upon a written request. Distribution of a copy of the

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3713	study or notice must be made by United States mail or personal
3714	delivery at the mailing address, property address, or any other
3715	address of the owner provided to fulfill the association's
3716	notice requirements under this chapter, or by electronic
3717	transmission to the e-mail address or facsimile number provided
3718	to fulfill the association's notice requirements to unit owners
3719	who previously consented to receive notice by electronic
3720	transmission.
3721	<u>12.10.</u> Within 45 days after receiving the structural
3722	integrity reserve study, the association must provide the
3723	division with a statement indicating that the study was
3724	completed and that the association provided or made available
3725	such study to each unit owner in accordance with this section.
3726	Such statement must be provided to the division in the manner
3727	established by the division using a form posted on the
3728	division's website.
3729	13. The division shall adopt by rule the form for the
3730	structural integrity reserve study in coordination with the
3731	Florida Building Commission.
3732	Section 14. Subsection (3) of section 719.501, Florida
3733	Statutes, is amended, paragraph (c) is added to subsection (2)
3734	of that section, and subsection (1) of that section is
3735	reenacted, to read:
3736	719.501 Powers and duties of Division of Florida
3737	Condominiums, Timeshares, and Mobile Homes
3738	(1) The Division of Florida Condominiums, Timeshares, and
3739	Mobile Homes of the Department of Business and Professional
3740	Regulation, referred to as the "division" in this part, in
3741	addition to other powers and duties prescribed by chapter 718,
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3742 has the power to enforce and ensure compliance with this chapter 3743 and adopted rules relating to the development, construction, 3744 sale, lease, ownership, operation, and management of residential 3745 cooperative units; complaints related to the procedural 3746 completion of the structural integrity reserve studies under s. 3747 719.106(1)(k); and complaints related to the procedural 3748 completion of milestone inspections under s. 553.899. In 3749 performing its duties, the division shall have the following 3750 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.

3760 (c) For the purpose of any investigation under this 3761 chapter, the division director or any officer or employee 3762 designated by the division director may administer oaths or 3763 affirmations, subpoena witnesses and compel their attendance, 3764 take evidence, and require the production of any matter which is 3765 relevant to the investigation, including the existence, description, nature, custody, condition, and location of any 3766 3767 books, documents, or other tangible things and the identity and 3768 location of persons having knowledge of relevant facts or any 3769 other matter reasonably calculated to lead to the discovery of 3770 material evidence. Upon failure by a person to obey a subpoena

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595-03812-25 20251742c3 3771 or to answer questions propounded by the investigating officer and upon reasonable notice to all persons affected thereby, the 3772 3773 division may apply to the circuit court for an order compelling 3774 compliance. 3775 (d) Notwithstanding any remedies available to unit owners 3776 and associations, if the division has reasonable cause to 3777 believe that a violation of any provision of this chapter or 3778 related rule has occurred, the division may institute 3779 enforcement proceedings in its own name against a developer, 3780 association, officer, or member of the board, or its assignees 3781 or agents, as follows: 3782 1. The division may permit a person whose conduct or 3783 actions may be under investigation to waive formal proceedings 3784 and enter into a consent proceeding whereby orders, rules, or 3785 letters of censure or warning, whether formal or informal, may 3786 be entered against the person. 3787 The division may issue an order requiring the developer, 2. 3788 association, officer, or member of the board, or its assignees 3789 or agents, to cease and desist from the unlawful practice and 3790 take such affirmative action as in the judgment of the division 3791 will carry out the purposes of this chapter. Such affirmative 3792 action may include, but is not limited to, an order requiring a 3793 developer to pay moneys determined to be owed to a condominium

3794 association.

3795 3. The division may bring an action in circuit court on 3796 behalf of a class of unit owners, lessees, or purchasers for 3797 declaratory relief, injunctive relief, or restitution.

3798 4. The division may impose a civil penalty against a3799 developer or association, or its assignees or agents, for any

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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, and that the officer or board member refused to comply with the 3808 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 order of the division. An officer or board member who complies 3814 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_{τ} by rule_{τ} penalty guidelines applicable to 3819 possible violations or to categories of violations of this 3820 chapter or rules adopted by the division. The quidelines 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

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3829 circumstances that justify a departure from the range of 3830 penalties provided by the rules. It is the legislative intent 3831 that minor violations be distinguished from those which endanger the health, safety, or welfare of the cooperative residents or 3832 3833 other persons and that such guidelines provide reasonable and 3834 meaningful notice to the public of likely penalties that may be 3835 imposed for proscribed conduct. This subsection does not limit 3836 the ability of the division to informally dispose of 3837 administrative actions or complaints by stipulation, agreed 3838 settlement, or consent order. All amounts collected shall be 3839 deposited with the Chief Financial Officer to the credit of the 3840 Division of Florida Condominiums, Timeshares, and Mobile Homes 3841 Trust Fund. If a developer fails to pay the civil penalty, the 3842 division shall thereupon issue an order directing that such 3843 developer cease and desist from further operation until such 3844 time as the civil penalty is paid or may pursue enforcement of 3845 the penalty in a court of competent jurisdiction. If an 3846 association fails to pay the civil penalty, the division shall 3847 thereupon pursue enforcement in a court of competent 3848 jurisdiction, and the order imposing the civil penalty or the 3849 cease and desist order shall not become effective until 20 days after the date of such order. Any action commenced by the 3850 3851 division shall be brought in the county in which the division 3852 has its executive offices or in the county where the violation 3853 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.

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595-03812-25 20251742c3 3858 (f) The division has authority to adopt rules pursuant to 3859 ss. 120.536(1) and 120.54 to implement and enforce the 3860 provisions of this chapter. 3861 The division shall establish procedures for providing (q) 3862 notice to an association when the division is considering the 3863 issuance of a declaratory statement with respect to the 3864 cooperative documents governing such cooperative community. 3865 (h) The division shall furnish each association which pays 3866 the fees required by paragraph (2)(a) a copy of this act, 3867 subsequent changes to this act on an annual basis, an amended 3868 version of this act as it becomes available from the Secretary 3869 of State's office on a biennial basis, and the rules adopted 3870 thereto on an annual basis. 3871 (i) The division shall annually provide each association 3872 with a summary of declaratory statements and formal legal opinions relating to the operations of cooperatives which were 3873 3874 rendered by the division during the previous year. 3875 (j) The division shall adopt uniform accounting principles, 3876 policies, and standards to be used by all associations in the 3877 preparation and presentation of all financial statements 3878 required by this chapter. The principles, policies, and 3879 standards shall take into consideration the size of the 3880 association and the total revenue collected by the association. The division shall provide training and educational 3881 (k) 3882 programs for cooperative association board members and unit 3883 owners. The training may, in the division's discretion, include 3884 web-based electronic media and live training and seminars in 3885 various locations throughout the state. The division may review 3886 and approve education and training programs for board members

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595-03812-25 20251742c3 3887 and unit owners offered by providers and shall maintain a current list of approved programs and providers and make such 3888 3889 list available to board members and unit owners in a reasonable 3890 and cost-effective manner. 3891 The division shall maintain a toll-free telephone (1) 3892 number accessible to cooperative unit owners. 3893 (m) When a complaint is made to the division, the division 3894 shall conduct its inquiry with reasonable dispatch and with due 3895 regard to the interests of the affected parties. Within 30 days 3896 after receipt of a complaint, the division shall acknowledge the complaint in writing and notify the complainant whether the 3897 3898 complaint is within the jurisdiction of the division and whether 3899 additional information is needed by the division from the 3900 complainant. The division shall conduct its investigation and 3901 shall, within 90 days after receipt of the original complaint or 3902 timely requested additional information, take action upon the 3903 complaint. However, the failure to complete the investigation 3904 within 90 days does not prevent the division from continuing the 3905 investigation, accepting or considering evidence obtained or 3906 received after 90 days, or taking administrative action if 3907 reasonable cause exists to believe that a violation of this 3908 chapter or a rule of the division has occurred. If an 3909 investigation is not completed within the time limits 3910 established in this paragraph, the division shall, on a monthly 3911 basis, notify the complainant in writing of the status of the 3912 investigation. When reporting its action to the complainant, the 3913 division shall inform the complainant of any right to a hearing pursuant to ss. 120.569 and 120.57. 3914

3915

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

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595-03812-25 20251742c3 3916 volunteer and paid mediators to provide mediation of cooperative 3917 disputes. The division shall provide, upon request, a list of 3918 such mediators to any association, unit owner, or other 3919 participant in arbitration proceedings under s. 718.1255 3920 requesting a copy of the list. The division shall include on the 3921 list of voluntary mediators only persons who have received at 3922 least 20 hours of training in mediation techniques or have 3923 mediated at least 20 disputes. In order to become initially 3924 certified by the division, paid mediators must be certified by 3925 the Supreme Court to mediate court cases in county or circuit 3926 courts. However, the division may $adopt_{\overline{r}}$ by rule_{\overline{r}} additional 3927 factors for the certification of paid mediators, which factors 3928 must be related to experience, education, or background. Any 3929 person initially certified as a paid mediator by the division 3930 must, in order to continue to be certified, comply with the 3931 factors or requirements imposed by rules adopted by the 3932 division. 3933 (2) 3934 (c) A cooperative association shall create and maintain an 3935 online account with the division, as required in subsection (3). 3936 (3) On or before October 1, 2025, all cooperative 3937 associations shall create and maintain an online account with 3938 the division and provide information requested by the division 3939 in an electronic format determined by the division. The division 3940 shall adopt rules to implement this subsection. The division may 3941 require cooperative associations to provide such information no 3942 more than once per year, except that the division may require 3943 cooperative associations to update their contact information in 3944 paragraph (a) within 30 days after any change. The division

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3945	shall provide a cooperative association at least a 45-day notice
3946	of any requirement to provide any required information after the
3947	cooperative association creates an online account. The
3948	information that the division may require associations to
3949	provide is limited to:
3950	(a) The contact information for the association that
3951	includes all of the following:
3952	1. The name of the association.
3953	2. The physical address of the cooperative property.
3954	3. The mailing address and county of the association.
3955	4. The e-mail address and telephone number for the
3956	association.
3957	5. The name and board title for each member of the
3958	association's board.
3959	6. The name and contact information of the association's
3960	community association manager or community association
3961	management firm, if applicable.
3962	7. The hyperlink or website address of the association's
3963	website, if applicable.
3964	(b) The total number of buildings and for each building in
3965	the association:
3966	1. The total number of stories of each building, including
3967	both habitable and uninhabitable stories.
3968	2. The total number of units.
3969	3. The age of each building based on the certificate of
3970	occupancy.
3971	4. Any construction commenced on the common elements within
3972	the previous calendar year.
3973	(c) The association's assessments, including the:

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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.

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595-03812-25 20251742c3 4003 3. The addresses of all such buildings. 4. The counties in which all such buildings are located. 4004 4005 (c) An association must provide an update in writing to the 4006 division if there are any changes to the information in the list 4007 under paragraph (b) within 6 months after the change. 4008 Section 15. Paragraph (d) of subsection (1) and paragraphs 4009 (c) and (d) of subsection (2) of section 719.503, Florida 4010 Statutes, are amended, to read: 4011 719.503 Disclosure prior to sale.-4012 (1) DEVELOPER DISCLOSURE. -4013 (d) Milestone inspection, turnover inspection report, or 4014 structural integrity reserve study.-If the association is 4015 required to have completed a milestone inspection as described 4016 in s. 553.899, a turnover inspection report for a turnover 4017 inspection performed on or after July 1, 2023, or a structural 4018 integrity reserve study, and the association has not completed 4019 the milestone inspection, the turnover inspection report, or the 4020 structural integrity reserve study, each contract entered into 4021 after December 31, 2024, for the sale of a residential unit 4022 shall contain in conspicuous type a statement indicating that 4023 the association is required to have a milestone inspection, a 4024 turnover inspection report, or a structural integrity reserve 4025 study and has not completed such inspection, report, or study, 4026 as appropriate. If the association is not required to have a 4027 milestone inspection as described in s. 553.899 or a structural 4028 integrity reserve study, each contract entered into after 4029 December 31, 2024, for the sale of a residential unit shall 4030 contain in conspicuous type a statement indicating that the 4031 association is not required to have a milestone inspection or a

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595-03812-25 20251742c3 4032 structural integrity reserve study, as appropriate. If the 4033 association has completed a milestone inspection as described in 4034 s. 553.899, a turnover inspection report for a turnover 4035 inspection performed on or after July 1, 2023, or a structural 4036 integrity reserve study, each contract entered into after 4037 December 31, 2024, for the sale of a residential unit shall 4038 contain in conspicuous type: 4039 1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES 4040 THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE INSPECTOR-4041 PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED 4042 IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF 4043 THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION 4044 719.301(4)(p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A 4045 COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY 4046 RESERVE STUDY DESCRIBED IN SECTIONS 719.103(24) AND 4047 719.106(1)(k), FLORIDA STATUTES, IF APPLICABLE, MORE THAN 15 4048 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, BEFORE PRIOR TO EXECUTION OF THIS CONTRACT; and 4049 4050 2. A clause which states: THIS AGREEMENT IS VOIDABLE BY 4051 BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO 4052 CANCEL WITHIN 15 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL 4053 HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE 4054 BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE INSPECTOR-4055 PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF 4056 4057 THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION 4058 719.301(4)(p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A 4059 COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY 4060 RESERVE STUDY DESCRIBED IN SECTIONS 719.103(24) AND

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595-03812-25 20251742c3 4061 719.106(1)(k), FLORIDA STATUTES, IF APPLICABLE. ANY PURPORTED 4062 WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER 4063 MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 15 4064 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER 4065 THE BUYER RECEIVES A CURRENT COPY OF THE INSPECTOR-PREPARED 4066 SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN 4067 SECTION 553.899, FLORIDA STATUTES; A COPY OF THE TURNOVER 4068 INSPECTION REPORT DESCRIBED IN SECTION 719.301(4) (p) AND (q), 4069 FLORIDA STATUTES; OR A COPY OF THE ASSOCIATION'S MOST RECENT 4070 STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS 4071 719.103(24) AND 719.106(1)(k), FLORIDA STATUTES, IF REQUESTED IN 4072 WRITING. BUYER'S RIGHT TO VOID THIS AGREEMENT SHALL TERMINATE AT 4073 CLOSING.

4075 A contract that does not conform to the requirements of this 4076 paragraph is voidable at the option of the purchaser <u>before</u> 4077 prior to closing.

(2) NONDEVELOPER DISCLOSURE.-

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4079 (c) Each contract entered into after July 1, 1992, for the 4080 resale of an interest in a cooperative shall contain in 4081 conspicuous type either:

4082
1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES
4083 THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE ARTICLES OF
4084 INCORPORATION OF THE ASSOCIATION, BYLAWS, RULES OF THE
4085 ASSOCIATION, AND THE QUESTION AND ANSWER SHEET MORE THAN <u>7</u> 3
4086 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, <u>BEFORE</u>
4087 PRIOR TO EXECUTION OF THIS CONTRACT; or

40882. A clause which states: THIS AGREEMENT IS VOIDABLE BY4089BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO

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4102

595-03812-25 20251742c3 4090 CANCEL WITHIN 7 3 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL 4091 HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE 4092 BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE ARTICLES OF 4093 INCORPORATION, BYLAWS, AND RULES OF THE ASSOCIATION, AND 4094 QUESTION AND ANSWER SHEET, IF SO REQUESTED IN WRITING. ANY 4095 PURPORTED WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO 4096 EFFECT. BUYER MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF 4097 NOT MORE THAN 7 3 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL 4098 HOLIDAYS, AFTER THE BUYER RECEIVES THE ARTICLES OF 4099 INCORPORATION, BYLAWS, RULES, AND QUESTION AND ANSWER SHEET, IF 4100 REQUESTED IN WRITING. BUYER'S RIGHT TO VOID THIS AGREEMENT SHALL 4101 TERMINATE AT CLOSING.

4103 A contract that does not conform to the requirements of this 4104 paragraph is voidable at the option of the purchaser <u>before</u> 4105 prior to closing.

4106 (d) If the association is required to have completed a 4107 milestone inspection as described in s. 553.899, a turnover 4108 inspection report for a turnover inspection performed on or 4109 after July 1, 2023, or a structural integrity reserve study, and 4110 the association has not completed the milestone inspection, the 4111 turnover inspection report, or the structural integrity reserve 4112 study, each contract entered into after December 31, 2024, for the sale of a residential unit shall contain in conspicuous type 4113 4114 a statement indicating that the association is required to have a milestone inspection, a turnover inspection report, or a 4115 4116 structural integrity reserve study and has not completed such 4117 inspection, report, or study, as appropriate. If the association 4118 is not required to have a milestone inspection as described in

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595-03812-25 20251742c3 4119 s. 553.899 or a structural integrity reserve study, each 4120 contract entered into after December 31, 2024, for the sale of a 4121 residential unit shall contain in conspicuous type a statement indicating that the association is not required to have a 4122 4123 milestone inspection or a structural integrity reserve study, as 4124 appropriate. If the association has completed a milestone 4125 inspection as described in s. 553.899, a turnover inspection 4126 report for a turnover inspection performed on or after July 1, 4127 2023, or a structural integrity reserve study, each contract 4128 entered into after December 31, 2024, for the resale of a 4129 residential unit shall contain in conspicuous type: 1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES 4130 4131 THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE INSPECTOR-4132 PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED 4133 IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF 4134 THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION 4135 719.301(4)(p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A

4136 COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY 4137 RESERVE STUDY DESCRIBED IN SECTIONS 719.103(24) AND 4138 719.106(1)(k), FLORIDA STATUTES, IF APPLICABLE, MORE THAN <u>7</u> 3 4139 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, <u>BEFORE</u> 4140 PRIOR TO EXECUTION OF THIS CONTRACT; and

A clause which states: THIS AGREEMENT IS VOIDABLE BY
BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO
CANCEL WITHIN <u>7</u> 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 INSPECTORPREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED
IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF

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595-03812-25 20251742c3 4148 THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION 4149 719.301(4)(p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A 4150 COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY 4151 RESERVE STUDY DESCRIBED IN SECTIONS 719.103(24) AND 4152 719.106(1)(k), FLORIDA STATUTES, IF APPLICABLE. ANY PURPORTED WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER 4153 4154 MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 7 3 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER 4155 4156 THE BUYER RECEIVES A CURRENT COPY OF THE INSPECTOR-PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN 4157 SECTION 553.899, FLORIDA STATUTES; A COPY OF THE TURNOVER 4158 4159 INSPECTION REPORT DESCRIBED IN SECTION 719.301(4) (p) AND (q), FLORIDA STATUTES; OR A COPY OF THE ASSOCIATION'S MOST RECENT 4160 STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS 4161 4162 719.103(24) AND 719.106(1)(k), FLORIDA STATUTES, IF REQUESTED IN 4163 WRITING. BUYER'S RIGHT TO VOID THIS AGREEMENT SHALL TERMINATE AT 4164 CLOSING. 4165 4166 A contract that does not conform to the requirements of this 4167 paragraph is voidable at the option of the purchaser before 4168 prior to closing. 4169 Section 16. Subsection (3) of section 914.21, Florida 4170 Statutes, is amended to read: 4171 914.21 Definitions.-As used in ss. 914.22-914.24, the term: 4172 (3) "Official investigation" means any investigation instituted by a law enforcement agency or prosecuting officer of 4173 4174 the state or a political subdivision of the state or the 4175 Commission on Ethics or the Division of Florida Condominiums, 4176 Timeshares, and Mobile Homes of the Department of Business and

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Professional Regulation.
Section 17. For the 2025-2026 fiscal year, the recurrin
sum of \$150,000 and nonrecurring sum of \$100,000 are
appropriated from the Professional Regulation Trust Fund to t
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 bala
of nonrecurring funds provided by this section shall revert a
is appropriated for the same purpose for the 2026-2027 fiscal
year.
Section 18. For the purpose of incorporating the amendm
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 or
ruling, or authorization by means of fraud, misrepresentation
or concealment of material facts.
5. Committing acts of gross misconduct or gross neglige
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

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4206	not disclosed.
4207	7. Failing to disclose any conflict of interest as required
4208	by s. 468.4335.
4209	8. Violating chapter 718, chapter 719, or chapter 720
4210	during the course of performing community association management
4211	services pursuant to a contract with a community association as
4212	defined in s. 468.431(1).
4213	Section 19. For the purpose of incorporating the amendment
4214	made by this act to section 718.111, Florida Statutes, in a
4215	reference thereto, paragraph (e) of subsection (3) of section
4216	721.13, Florida Statutes, is reenacted to read:
4217	721.13 Management
4218	(3) The duties of the managing entity include, but are not
4219	limited to:
4220	(e) Arranging for an annual audit of the financial
4221	statements of the timeshare plan by a certified public
4222	accountant licensed by the Board of Accountancy of the
4223	Department of Business and Professional Regulation, in
4224	accordance with generally accepted auditing standards as defined
4225	by the rules of the Board of Accountancy of the Department of
4226	Business and Professional Regulation. The financial statements
4227	required by this section must be prepared on an accrual basis
4228	using fund accounting, and must be presented in accordance with
4229	generally accepted accounting principles. A copy of the audited
4230	financial statements must be filed with the division for review
4231	and forwarded to the board of directors and officers of the
4232	owners' association, if one exists, no later than 5 calendar
4233	months after the end of the timeshare plan's fiscal year. If no
4234	owners' association exists, each purchaser must be notified, no

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4235	later than 5 months after the end of the timeshare plan's fiscal
4236	year, that a copy of the audited financial statements is
4237	available upon request to the managing entity. Notwithstanding
4238	any requirement of s. 718.111(13) or s. 719.104(4), the audited
4239	financial statements required by this section are the only
4240	annual financial reporting requirements for timeshare
4241	condominiums or timeshare cooperatives.
4242	Section 20. For the purpose of incorporating the amendment
4243	made by this act to section 718.112, Florida Statutes, in
4244	references thereto, paragraph (a) of subsection (7) and
4245	paragraph (c) of subsection (21) of section 718.504, Florida
4246	Statutes, are reenacted to read:
4247	718.504 Prospectus or offering circular.—Every developer of
4248	a residential condominium which contains more than 20
4249	residential units, or which is part of a group of residential
4250	condominiums which will be served by property to be used in
4251	common by unit owners of more than 20 residential units, shall
4252	prepare a prospectus or offering circular and file it with the
4253	Division of Florida Condominiums, Timeshares, and Mobile Homes
4254	prior to entering into an enforceable contract of purchase and
4255	sale of any unit or lease of a unit for more than 5 years and
4256	shall furnish a copy of the prospectus or offering circular to
4257	each buyer. In addition to the prospectus or offering circular,
4258	each buyer shall be furnished a separate page entitled
4259	"Frequently Asked Questions and Answers," which shall be in
4260	accordance with a format approved by the division and a copy of
4261	the financial information required by s. 718.111. This page
4262	shall, in readable language, inform prospective purchasers
4263	regarding their voting rights and unit use restrictions,
I	

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595-03812-25 20251742c3 4264 including restrictions on the leasing of a unit; shall indicate 4265 whether and in what amount the unit owners or the association is 4266 obligated to pay rent or land use fees for recreational or other 4267 commonly used facilities; shall contain a statement identifying 4268 that amount of assessment which, pursuant to the budget, would 4269 be levied upon each unit type, exclusive of any special 4270 assessments, and which shall further identify the basis upon 4271 which assessments are levied, whether monthly, quarterly, or 4272 otherwise; shall state and identify any court cases in which the 4273 association is currently a party of record in which the 4274 association may face liability in excess of \$100,000; shall 4275 state whether the condominium is created within a portion of a 4276 building or within a multiple parcel building; and which shall 4277 further state whether membership in a recreational facilities 4278 association is mandatory, and if so, shall identify the fees currently charged per unit type. The division shall by rule 4279 4280 require such other disclosure as in its judgment will assist 4281 prospective purchasers. The prospectus or offering circular may 4282 include more than one condominium, although not all such units 4283 are being offered for sale as of the date of the prospectus or 4284 offering circular. The prospectus or offering circular must 4285 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:

4292

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

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4293	summary	description of the structural integrity of each building
4294	for whic	ch reserves are required pursuant to s. 718.112(2)(g).
4295		
4296	Descript	ions shall include location, areas, capacities, numbers,
4297	volumes,	or sizes and may be stated as approximations or
4298	minimums	3.
4299	(21	.) An estimated operating budget for the condominium and
4300	the asso	ociation, and a schedule of the unit owner's expenses
4301	shall be	e attached as an exhibit and shall contain the following
4302	informat	cion:
4303	(C)	The estimated items of expenses of the condominium and
4304	the asso	ociation, except as excluded under paragraph (b),
4305	includir	ng, but not limited to, the following items, which shall
4306	be state	ed as an association expense collectible by assessments
4307	or as ur	nit owners' expenses payable to persons other than the
4308	associat	cion:
4309	1.	Expenses for the association and condominium:
4310	a.	Administration of the association.
4311	b.	Management fees.
4312	С.	Maintenance.
4313	d.	Rent for recreational and other commonly used
4314	faciliti	es.
4315	e.	Taxes upon association property.
4316	f.	Taxes upon leased areas.
4317	g.	Insurance.
4318	h.	Security provisions.
4319	i.	Other expenses.
4320	j.	Operating capital.
4321	k.	Reserves for all applicable items referenced in s.

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595-03812-25 20251742c3 4322 718.112(2)(q). 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 condition of ownership and is not included in the common expense 4329 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.

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595-03812-25 20251742c3 4351 Section 22. For the purpose of incorporating the amendment 4352 made by this act to sections 718.111, 718.112, and 718.503, Florida Statutes, in references thereto, subsections (1) and (3) 4353 4354 of section 718.706, Florida Statutes, are reenacted to read: 4355 718.706 Specific provisions pertaining to offering of units 4356 by a bulk assignee or bulk buyer.-4357 (1) Before offering more than seven units in a single 4358 condominium for sale or for lease for a term exceeding 5 years, 4359 a bulk assignee or a bulk buyer must file the following 4360 documents with the division and provide such documents to a 4361 prospective purchaser or tenant: 4362 (a) An updated prospectus or offering circular, or a 4363 supplement to the prospectus or offering circular, filed by the 4364 original developer prepared in accordance with s. 718.504, which 4365 must include the form of contract for sale and for lease in 4366 compliance with s. 718.503(2); 4367 (b) An updated Frequently Asked Questions and Answers 4368 sheet; 4369 (C) The executed escrow agreement if required under s. 4370 718.202; and 4371 (d) The financial information required by s. 718.111(13). 4372 However, if a financial information report did not exist before 4373 the acquisition of title by the bulk assignee or bulk buyer, and 4374 if accounting records that permit preparation of the required 4375 financial information report for that period cannot be obtained 4376 despite good faith efforts by the bulk assignee or the bulk 4377 buyer, the bulk assignee or bulk buyer is excused from the 4378 requirement of this paragraph. However, the bulk assignee or 4379 bulk buyer must include in the purchase contract the following

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4380	statement in conspicuous type:
4381	
4382	ALL OR A PORTION OF THE FINANCIAL INFORMATION REPORT
4383	REQUIRED UNDER S. 718.111(13) FOR THE TIME PERIOD
4384	BEFORE THE SELLER'S ACQUISITION OF THE UNIT IS NOT
4385	AVAILABLE OR CANNOT BE OBTAINED DESPITE THE GOOD FAITH
4386	EFFORTS OF THE SELLER.
4387	
4388	(3) A bulk assignee, while in control of the board of
4389	administration of the association, may not authorize, on behalf
4390	of the association:
4391	(a) The waiver of reserves or the reduction of funding of
4392	the reserves pursuant to s. 718.112(2)(f)2., unless approved by
4393	a majority of the voting interests not controlled by the
4394	developer, bulk assignee, and bulk buyer; or
4395	(b) The use of reserve expenditures for other purposes
4396	pursuant to s. 718.112(2)(f)3., unless approved by a majority of
4397	the voting interests not controlled by the developer, bulk
4398	assignee, and bulk buyer.
4399	Section 23. For the purpose of incorporating the amendment
4400	made by this act to section 719.106, Florida Statutes, in a
4401	reference thereto, subsection (24) of section 719.103, Florida
4402	Statutes, is reenacted to read:
4403	719.103 DefinitionsAs used in this chapter:
4404	(24) "Structural integrity reserve study" means a study of
4405	the reserve funds required for future major repairs and
4406	replacement of the cooperative property performed as required
4407	under s. 719.106(1)(k).
4408	Section 24. For the purpose of incorporating the amendment
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595-03812-25 20251742c3 4409 made by this act to section 719.106, Florida Statutes, in 4410 references thereto, paragraph (a) of subsection (7) and 4411 paragraph (c) of subsection (20) of section 719.504, Florida 4412 Statutes, are reenacted to read: 4413 719.504 Prospectus or offering circular.-Every developer of 4414 a residential cooperative which contains more than 20 4415 residential units, or which is part of a group of residential 4416 cooperatives which will be served by property to be used in common by unit owners of more than 20 residential units, shall 4417 4418 prepare a prospectus or offering circular and file it with the 4419 Division of Florida Condominiums, Timeshares, and Mobile Homes 4420 prior to entering into an enforceable contract of purchase and 4421 sale of any unit or lease of a unit for more than 5 years and 4422 shall furnish a copy of the prospectus or offering circular to 4423 each buyer. In addition to the prospectus or offering circular, 4424 each buyer shall be furnished a separate page entitled 4425 "Frequently Asked Questions and Answers," which must be in 4426 accordance with a format approved by the division. This page 4427 must, in readable language: inform prospective purchasers 4428 regarding their voting rights and unit use restrictions, 4429 including restrictions on the leasing of a unit; indicate 4430 whether and in what amount the unit owners or the association is 4431 obligated to pay rent or land use fees for recreational or other commonly used facilities; contain a statement identifying that 4432 4433 amount of assessment which, pursuant to the budget, would be 4434 levied upon each unit type, exclusive of any special 4435 assessments, and which identifies the basis upon which 4436 assessments are levied, whether monthly, quarterly, or 4437 otherwise; state and identify any court cases in which the

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4466

595-03812-25 20251742c3 4438 association is currently a party of record in which the 4439 association may face liability in excess of \$100,000; and state 4440 whether membership in a recreational facilities association is 4441 mandatory and, if so, identify the fees currently charged per 4442 unit type. The division shall by rule require such other 4443 disclosure as in its judgment will assist prospective 4444 purchasers. The prospectus or offering circular may include more 4445 than one cooperative, although not all such units are being offered for sale as of the date of the prospectus or offering 4446 4447 circular. The prospectus or offering circular must contain the 4448 following information: 4449 (7) A description of the recreational and other facilities 4450 that will be used in common with other cooperatives, community 4451 associations, or planned developments which require the payment 4452 of the maintenance and expenses of such facilities, directly or 4453 indirectly, by the unit owners. The description shall include, 4454 but not be limited to, the following: 4455 (a) Each building and facility committed to be built and a 4456 summary description of the structural integrity of each building 4457 for which reserves are required pursuant to s. 719.106(1)(k). 4458 4459 Descriptions shall include location, areas, capacities, numbers, 4460 volumes, or sizes and may be stated as approximations or 4461 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

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4467	the association, except as excluded under paragraph (b),	
4468	including, but not limited to, the following items, which shall	
4469	be stated as an association expense collectible by assessments	
4470	or as unit owners' expenses payable to persons other than the	
4471	association:	
4472	1. Expenses for the association and cooperative:	
4473	a. Administration of the association.	
4474	b. Management fees.	
4475	c. Maintenance.	
4476	d. Rent for recreational and other commonly used areas.	
4477	e. Taxes upon association property.	
4478	f. Taxes upon leased areas.	
4479	g. Insurance.	
4480	h. Security provisions.	
4481	i. Other expenses.	
4482	j. Operating capital.	
4483	k. Reserves for all applicable items referenced in s.	
4484	719.106(1)(k).	
4485	1. Fee payable to the division.	
4486	2. Expenses for a unit owner:	
4487	a. Rent for the unit, if subject to a lease.	
4488	b. Rent payable by the unit owner directly to the lessor or	
4489	agent under any recreational lease or lease for the use of	
4490	commonly used areas, which use and payment are a mandatory	
4491	condition of ownership and are not included in the common	
4492	expense or assessments for common maintenance paid by the unit	
4493	owners to the association.	
4494	Section 25. Except as otherwise provided in this act, this	
4495	act shall take effect July 1, 2025.	

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