

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 913 (2025)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED _____ (Y/N)

ADOPTED AS AMENDED _____ (Y/N)

ADOPTED W/O OBJECTION _____ (Y/N)

FAILED TO ADOPT _____ (Y/N)

WITHDRAWN _____ (Y/N)

OTHER _____

Committee/Subcommittee hearing bill: Commerce Committee
Representative Lopez, V. offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

**Section 1. Section 163.212, Florida Statutes, is created
to read:**

163.212 Structural building safety.—

(1) DEFINITIONS.—As used in this section, the term:

(a) "Division" means the Florida Division of Condominiums,
Timeshares, and Mobile Homes.

(b) "Local government" means a county or municipality of
this state.

(c) "Milestone inspection" means a structural inspection
of condominium property as required under s. 553.899, including
an inspection of load-bearing elements and the primary

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17 structural members and primary structural systems, as those
18 terms are defined in s. 627.706(2).

19 (d) "Structural integrity reserve study" means a study of
20 a condominium association's reserve funds required for future
21 major repairs and replacement of condominium property as
22 required under s. 718.112(2)(g).

23 (2) CONFIRMATION OF STATUTORY REQUIREMENTS.—On or before
24 October 1, 2025, each local government that has authorized and
25 permitted the construction of a building that is three habitable
26 stories or more in height and subject to the condominium form of
27 ownership as a residential condominium under chapter 718 must
28 confirm with each condominium association that the structural
29 integrity reserve study and milestone inspection have been
30 completed for each building on the condominium property subject
31 to such requirement and that the study and inspection report has
32 been filed with the division, or that the condominium
33 association has failed to complete and file the requisite
34 structural integrity reserve study or milestone inspection
35 report.

36 (3) REPORTING REQUIREMENTS.—On or before December 31,
37 2025, each local government shall report to the division its
38 findings on whether each condominium association within the
39 local government's jurisdiction has completed or has failed to
40 complete the structural integrity reserve study or milestone
41 inspection.

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42 **Section 2. Subsections (12) and (13) of section 553.899,**
43 **Florida Statutes, are renumbered as subsections (14) and (15),**
44 **respectively, subsection (11) of that section is amended, and**
45 **new subsections (12) and (13) are added to that section, to**
46 **read:**

47 553.899 Mandatory structural inspections for condominium
48 and cooperative buildings.—

49 (11) (a) A board of county commissioners or municipal
50 governing body may adopt an ordinance requiring that a
51 ~~condominium or~~ cooperative association and any other owner that
52 is subject to this section schedule or commence repairs for
53 substantial structural deterioration within a specified
54 timeframe after the local enforcement agency receives a phase
55 two inspection report; however, such repairs must be commenced
56 within 365 days after receiving such report. If an owner of the
57 building fails to submit proof to the local enforcement agency
58 that repairs have been scheduled or have commenced for
59 substantial structural deterioration identified in a phase two
60 inspection report within the required timeframe, the local
61 enforcement agency must review and determine if the building is
62 unsafe for human occupancy.

63 (b) A board of county commissioners or municipal governing
64 body shall adopt an ordinance requiring that a condominium
65 association schedule or commence repairs for substantial
66 structural deterioration within a specified timeframe after the

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local enforcement agency receives a phase two inspection report;
however, such repairs must be commenced within 365 days after
receiving such report. If an owner of the building fails to
submit proof to the local enforcement agency that repairs have
been scheduled or have commenced for substantial structural
deterioration identified in a phase two inspection report within
the required timeframe, the local enforcement agency must review
and determine if the building is unsafe for human occupancy.

(12) On or before October 1, 2025, and on or before
December 31 each year thereafter, the local enforcement agency
responsible for milestone inspections conducted on buildings
three stories or more in height which are subject to the
condominium form of ownership under chapter 718 must provide all
of the following information to the Department of Business and
Professional Regulation, in an electronic format determined by
the department:

(a) The number of buildings required to have a milestone
inspection within the local enforcement agency's jurisdiction.

(b) The number of buildings for which a phase one
milestone inspection has been completed.

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

(d) The number of buildings required to have a phase two
milestone inspection.

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91 (e) The number of buildings for which a phase two
92 milestone inspection has been completed.

93 (f) The number, type, and value of permits applied for to
94 complete repairs based on a phase two milestone inspection.

95 (g) A list of buildings deemed to be unsafe or
96 uninhabitable based on a milestone inspection.

97 (h) The license number of the building code administrator
98 responsible for milestone inspections for the local enforcement
99 agency.

100 (13) The Department of Business and Professional
101 Regulation shall provide to the Office of Program Policy
102 Analysis and Government Accountability (OPPAGA) all information
103 obtained from the local enforcement agencies under subsection
104 (12) by the date specified, and in a manner prescribed by
105 OPPAGA. OPPAGA may request from a local enforcement agency any
106 additional information necessary to complete the report.

107 **Section 3. Subsection (1) of section 718.103, Florida**
108 **Statutes, is amended to read:**

109 718.103 Definitions.—As used in this chapter, the term:

110 (1) "Alternative funding method" means a method approved
111 by the division for funding the capital expenditures and
112 deferred maintenance obligations for a multicondominium
113 association ~~operating at least 25 condominiums~~ which may
114 reasonably be expected to fully satisfy the association's

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reserve funding obligations by the allocation of funds in the annual operating budget.

Section 4. Subsections (4) and (10) of section 718.110, Florida Statutes, are amended to read:

718.110 Amendment of declaration; correction of error or omission in declaration by circuit court.—

(4)(a) Subject to paragraph (b), unless otherwise provided in the declaration as originally recorded, an ~~no~~ amendment may not change the configuration or size of any unit in any material fashion, materially alter or modify the appurtenances to the unit, or change the proportion or percentage by which the unit owner shares the common expenses of the condominium and owns the common surplus of the condominium unless the record owner of the unit and all record owners of liens on the unit join in the execution of the amendment and unless all the record owners of all other units in the same condominium approve the amendment. The acquisition of property by the association and material alterations or substantial additions to such property or the common elements by the association in accordance with s. 718.111(7) or s. 718.113, and amendments providing for the transfer of use rights in limited common elements pursuant to s. 718.106(2)(b) may not be considered ~~shall not be deemed to constitute~~ a material alteration or modification of the appurtenances to the units. Except as provided in paragraph (b), a declaration recorded after April 1, 1992, may not require the

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140 approval of less than a majority of total voting interests of
141 the condominium for amendments under this subsection, unless
142 otherwise required by a governmental entity.

143 (b) Notwithstanding subsection (14), the declaration of a
144 nonresidential condominium formed on or after July 1, 2025, may
145 be amended to change the configuration or size of a unit in any
146 material fashion, materially alter or modify the appurtenances
147 to the unit, or change the proportion or percentage by which the
148 unit owner shares the common expenses of the condominium and
149 owns the common surplus of the condominium, if the record owners
150 of all affected units and all record owners of liens on the
151 affected units join in the execution of the amendment. The
152 approval of the record owners of the nonaffected units in such
153 condominium is not required.

154 (10) If there is an omission or error in a declaration of
155 condominium, or any other document required to establish the
156 condominium, and the omission or error would affect the valid
157 existence of the condominium, the circuit court may entertain a
158 petition of one or more of the unit owners in the condominium,
159 or of the association, to correct the error or omission, and the
160 action may be a class action. The court may require that one or
161 more methods of correcting the error or omission be submitted to
162 the unit owners to determine the most acceptable correction. All
163 unit owners, the association, and the mortgagees of a first
164 mortgage of record must be joined as parties to the action.

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165 Service of process on unit owners may be by publication, but the
166 plaintiff must furnish every unit owner not personally served
167 with process with a copy of the petition and final decree of the
168 court by certified mail, return receipt requested, at the unit
169 owner's ~~last known residence~~ address as reflected in the
170 association's official records. If an action to determine
171 whether the declaration or another condominium document complies
172 with the mandatory requirements for the formation of a
173 condominium is not brought within 3 years of the recording of
174 the certificate of a surveyor and mapper pursuant to s.
175 718.104(4) (e) or the recording of an instrument that transfers
176 title to a unit in the condominium which is not accompanied by a
177 recorded assignment of developer rights in favor of the grantee
178 of such unit, whichever occurs first, the declaration and other
179 documents will effectively create a condominium, as of the date
180 the declaration was recorded, regardless of whether the
181 documents substantially comply with the mandatory requirements
182 of law. However, both before and after the expiration of this 3-
183 year period, the circuit court has jurisdiction to entertain a
184 petition permitted under this subsection for the correction of
185 the documentation, and other methods of amendment may be
186 utilized to correct the errors or omissions at any time.

187 **Section 5. Paragraph (a) of subsection (11), paragraphs**
188 **(a) and (c) of subsection (12), and subsection (13) of section**

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189 **718.111, Florida Statutes, are amended, and subsection (16) is**
190 **added to that section, to read:**

191 718.111 The association.—

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

200 (a) Every condominium association must provide adequate
201 property insurance as determined under this paragraph,
202 regardless of any requirement in the declaration of condominium
203 for certain coverage by the association ~~for full insurable~~
204 ~~value, replacement cost, or similar coverage, must be based on~~
205 ~~the replacement cost of the property to be insured as determined~~
206 ~~by an independent insurance appraisal or update of a prior~~
207 ~~appraisal. The replacement cost must be determined at least once~~
208 ~~every 36 months.~~

209 1. An association or group of associations may provide
210 adequate property insurance through a self-insurance fund that
211 complies with the requirements of ss. 624.460-624.488.

212 2. The amount of adequate insurance coverage for full
213 insurable value, replacement cost, or similar coverage may be

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214 based on the replacement cost of the property to be insured as
215 determined by an independent insurance appraisal or update of a
216 previous appraisal. The replacement cost of property covered
217 must be determined every 3 years, at a minimum.

218 3.2. The association's obligation to obtain and
219 ~~association may also~~ provide adequate property insurance
220 coverage for a group of at least three communities created and
221 operating under this chapter, chapter 719, chapter 720, or
222 chapter 721 may be satisfied by obtaining and maintaining for
223 such communities insurance coverage sufficient to cover an
224 amount equal to the probable maximum loss for the communities
225 for a 250-year windstorm event.

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

229 b. A policy or program providing such coverage may not be
230 issued or renewed after July 1, 2008, unless it has been
231 reviewed and approved by the Office of Insurance Regulation. The
232 review and approval must include approval of the policy and
233 related forms pursuant to ss. 627.410 and 627.411, approval of
234 the rates pursuant to s. 627.062, a determination that the loss
235 model approved by the commission was accurately and
236 appropriately applied to the insured structures to determine the
237 250-year probable maximum loss, and a determination that
238 complete and accurate disclosure of all material provisions is

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provided to condominium unit owners before execution of the agreement by a condominium association.

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

(12) OFFICIAL RECORDS.—

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

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

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

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

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

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

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

7. A current roster of all unit owners and their mailing addresses, unit identifications, voting certifications, and, if

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known, telephone numbers. The association shall also maintain the e-mail addresses and facsimile numbers of unit owners consenting to receive notice by electronic transmission. In accordance with sub-subparagraph (c)4.e. ~~(e)5.e.~~, the e-mail addresses and facsimile numbers are only accessible to unit owners if consent to receive notice by electronic transmission is provided, or if the unit owner has expressly indicated that such personal information can be shared with other unit owners and the unit owner has not provided the association with a request to opt out of such dissemination with other unit owners. An association must ensure that the e-mail addresses and facsimile numbers are only used for the business operation of the association and may not be sold or shared with outside third parties. If such personal information is included in documents that are released to third parties, other than unit owners, the association must redact such personal information before the document is disseminated. However, the association is not liable for an inadvertent disclosure of the e-mail address or facsimile number for receiving electronic transmission of notices unless such disclosure was made with a knowing or intentional disregard of the protected nature of such information.

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

9. A current copy of any management agreement, lease, or other contract to which the association is a party or under

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289 which the association or the unit owners have an obligation or
290 responsibility.

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

293 11. Accounting records for the association and separate
294 accounting records for each condominium that the association
295 operates. Any person who knowingly or intentionally defaces or
296 destroys such records, or who knowingly or intentionally fails
297 to create or maintain such records, with the intent of causing
298 harm to the association or one or more of its members, is
299 personally subject to a civil penalty pursuant to s.
300 718.501(1)(e). The accounting records must include, but are not
301 limited to:

302 a. Accurate, itemized, and detailed records of all
303 receipts and expenditures.

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

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

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

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314 must be maintained for at least 15 years after the study is
315 completed.

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

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

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

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

329 15. A copy of the inspection reports described in ss.
330 553.899 and 718.301(4)(p) and any other inspection report
331 relating to a structural or life safety inspection of
332 condominium property. Such record must be maintained by the
333 association for 15 years after receipt of the report.

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

335 17. All affirmative acknowledgments made pursuant to s.
336 718.121(4)(c).

337 18. A copy of all building permits.

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

340 20. All other written records of the association not
341 specifically included in the foregoing which are related to the
342 operation of the association.

343 (c)1.a. The official records of the association are open
344 to inspection by any association member and any person
345 authorized by an association member as a representative of such
346 member at all reasonable times. The right to inspect the records
347 includes the right to make or obtain copies, at the reasonable
348 expense, if any, of the member and of the person authorized by
349 the association member as a representative of such member. A
350 renter of a unit has a right to inspect and copy only the
351 declaration of condominium, the association's bylaws and rules,
352 and the inspection reports described in ss. 553.899 and
353 718.301(4) (p). The association may adopt reasonable rules
354 regarding the frequency, time, location, notice, and manner of
355 record inspections and copying but may not require a member to
356 demonstrate any purpose or state any reason for the inspection.
357 The failure of an association to provide the records within 10
358 working days after receipt of a written request creates a
359 rebuttable presumption that the association willfully failed to
360 comply with this paragraph. A unit owner who is denied access to
361 official records is entitled to the actual damages or minimum
362 damages for the association's willful failure to comply. Minimum

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damages are \$50 per calendar day for up to 10 days, beginning on the 11th working day after receipt of the written request. The failure to permit inspection entitles any person prevailing in an enforcement action to recover reasonable attorney fees from the person in control of the records who, directly or indirectly, knowingly denied access to the records. If the requested records are posted on an association's website, or are available for download through an application on a mobile device, the association may fulfill its obligations under this paragraph by directing to the website or the application all persons authorized to request access.

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

2. A director or member of the board or association or a community association manager who knowingly and~~7~~ willfully or intentionally~~, and repeatedly~~ violates subparagraph 1. commits a misdemeanor of the second degree, punishable as provided in s.

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775.082 or s. 775.083, and must be removed from office and a vacancy declared. ~~For purposes of this subparagraph, the term "repeatedly" means two or more violations within a 12-month period.~~

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

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

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412 5. The association shall maintain an adequate number of
413 copies of the declaration, articles of incorporation, bylaws,
414 and rules, and all amendments to each of the foregoing, as well
415 as the question and answer sheet as described in s. 718.504 and
416 the most recent annual financial statement and annual budget
417 ~~year-end financial information~~ required under this section, on
418 the condominium property to ensure their availability to unit
419 owners and prospective purchasers, and may charge its actual
420 costs for preparing and furnishing these documents to those
421 requesting the documents. An association shall allow a member or
422 his or her authorized representative to use a portable device,
423 including a smartphone, tablet, portable scanner, or any other
424 technology capable of scanning or taking photographs, to make an
425 electronic copy of the official records in lieu of the
426 association's providing the member or his or her authorized
427 representative with a copy of such records. The association may
428 not charge a member or his or her authorized representative for
429 the use of a portable device. Notwithstanding this paragraph,
430 the following records are not accessible to unit owners:

431 a. Any record protected by the lawyer-client privilege as
432 described in s. 90.502 and any record protected by the work-
433 product privilege, including a record prepared by an association
434 attorney or prepared at the attorney's express direction, which
435 reflects a mental impression, conclusion, litigation strategy,
436 or legal theory of the attorney or the association, and which

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437 was prepared exclusively for civil or criminal litigation or for
438 adversarial administrative proceedings, or which was prepared in
439 anticipation of such litigation or proceedings until the
440 conclusion of the litigation or proceedings.

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

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

451 d. Medical records of unit owners.

452 e. Social security numbers, driver license numbers, credit
453 card numbers, e-mail addresses, telephone numbers, facsimile
454 numbers, emergency contact information, addresses of a unit
455 owner other than as provided to fulfill the association's notice
456 requirements, and other personal identifying information of any
457 person, excluding the person's name, unit designation, mailing
458 address, property address, and any address, e-mail address, or
459 facsimile number provided to the association to fulfill the
460 association's notice requirements. Notwithstanding the
461 restrictions in this sub-subparagraph, an association may print

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and distribute to unit owners a directory containing the name, unit address, and all telephone numbers of each unit owner. However, an owner may exclude his or her telephone numbers from the directory by so requesting in writing to the association. An owner may consent in writing to the disclosure of other contact information described in this sub-subparagraph. The association is not liable for the inadvertent disclosure of information that is protected under this sub-subparagraph if the information is included in an official record of the association and is voluntarily provided by an owner and not requested by the association.

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

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

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

(13) FINANCIAL REPORTING.—Within 90 days after the end of the fiscal year, or annually on a date provided in the bylaws, the association shall prepare and complete, or contract for the preparation and completion of, a financial report for the preceding fiscal year. Within 21 days after the final financial report is completed by the association or received from the

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487 third party, but not later than 120 days after the end of the
488 fiscal year or other date as provided in the bylaws, the
489 association shall deliver to each unit owner by United States
490 mail or personal delivery at the mailing address, property
491 address, e-mail address, or facsimile number provided to fulfill
492 the association's notice requirements, a copy of the most recent
493 financial report, ~~and a notice that a copy of the most recent~~
494 ~~financial report will be mailed or hand delivered to the unit~~
495 ~~owner, without charge, within 5 business days after receipt of a~~
496 ~~written request from the unit owner.~~ The division shall adopt
497 rules setting forth uniform accounting principles and standards
498 to be used by all associations and addressing the financial
499 reporting requirements for multicondominium associations. The
500 rules must include, but not be limited to, standards for
501 presenting a summary of association reserves, including a good
502 faith estimate disclosing the annual amount of reserve funds
503 that would be necessary for the association to fully fund
504 reserves for each reserve item based on the straight-line
505 accounting method. This disclosure is not applicable to reserves
506 funded via the pooling method. In adopting such rules, the
507 division shall consider the number of members and annual
508 revenues of an association. Financial reports shall be prepared
509 as follows:

510 (a) An association that meets the criteria of this
511 paragraph shall prepare a complete set of financial statements

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512 in accordance with generally accepted accounting principles. The
513 financial statements must be based upon the association's total
514 annual revenues, as follows:

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

518 2. An association with total annual revenues of at least
519 \$300,000, but less than \$500,000, shall prepare reviewed
520 financial statements.

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

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

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

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

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

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

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

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

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

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

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

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

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

(e) A unit owner may provide written notice to the division of the association's failure to mail or hand deliver him or her a copy of the most recent financial report within 5 business days after he or she submitted a written request to the association for a copy of such report. If the division determines that the association failed to mail or hand deliver a

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585 copy of the most recent financial report to the unit owner, the
586 division shall provide written notice to the association that
587 the association must mail or hand deliver a copy of the most
588 recent financial report to the unit owner and the division
589 within 5 business days after it receives such notice from the
590 division. An association that fails to comply with the
591 division's request may not waive the financial reporting
592 requirement provided in paragraph (d) for the fiscal year in
593 which the unit owner's request was made and the following fiscal
594 year. A financial report received by the division pursuant to
595 this paragraph shall be maintained, and the division shall
596 provide a copy of such report to an association member upon his
597 or her request.

598 (16) SPECIAL ASSESSMENTS AND OBTAINING LOANS.—

599 (a)1. The Legislature finds that:

600 a. Condominiums are created as authorized by statute and
601 are subject to covenants that encumber the land and restrict the
602 use of real property.

603 b. In some circumstances, the declaration, articles of
604 incorporation, or bylaws of an association restrict the
605 authority of the board of administration to levy special
606 assessments or to obtain a loan without first receiving approval
607 of the membership, which may preclude an association from
608 obtaining immediate funding to carry out its obligations to
609 perform necessary maintenance, repair, or replacement of the

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condominium property as required by the milestone inspection report and structural integrity reserve study report in order to protect the health and safety of the unit owners and tenants of the property.

c. It is contrary to the public policy of this state to limit the ability of an association to obtain the funds needed to perform necessary maintenance, repair, or replacement of the condominium property as required by the milestone inspection report and structural integrity reserve study report in order to protect the health and safety of the unit owners and tenants of the property.

d. It is in the best interest of this state to provide a method for the boards of administration of associations to obtain the funds needed to perform necessary maintenance, repair, or replacement of the condominium property as required by the milestone inspection report and structural integrity reserve study report without the approval of the membership in order to protect the health and safety of the unit owners and tenants of the property.

2. The Legislature further finds that authorizing the board of administration of an association to meet its fiduciary duty, to levy special assessments, and to obtain a loan for necessary maintenance, repair, or replacement of the condominium property as required by the milestone inspection report and structural integrity reserve study report in order to protect

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635 the health and safety of the unit owners and tenants of the
636 property is in the public interest; that requiring an
637 association to obtain membership approval endangers the public
638 safety; and that there is a compelling state interest in
639 enabling the board of administration of an association to levy
640 special assessments and obtain loans to perform necessary
641 maintenance, repair, or replacement of the condominium property
642 as required by the milestone inspection report and structural
643 integrity reserve study report without the approval of the
644 membership in order to protect the health and safety of the unit
645 owners and tenants of the property.

646 (b) Notwithstanding any provision to the contrary
647 contained in an association's declaration, articles of
648 incorporation, or bylaws, the board of administration of an
649 association may levy special assessments and obtain a loan to
650 perform necessary maintenance, repair, or replacement of the
651 condominium property as required by the milestone inspection
652 report and structural integrity reserve study report without the
653 approval of the membership in order to protect the health and
654 safety of the unit owners and tenants of the property.

655 (c) This section applies to all condominiums in existence
656 on or after July 1, 2025, which are not controlled by the
657 developer as defined in s. 718.103 or a bulk assignee or bulk
658 buyer, as those terms are defined in s. 718.703.

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Section 6. Effective January 1, 2026, paragraph (g) of subsection (12) of section 718.111, Florida Statutes, as amended by section 8 of 2024-244, Laws of Florida, is amended to read:

718.111 The association.—

(12) OFFICIAL RECORDS.—

(g)1. An association managing a condominium with 25 or more units which does not contain timeshare units shall post digital copies of the documents specified in subparagraph 2. on its website or make such documents available through an application that can be downloaded on a mobile device.

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

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

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

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

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

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

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

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

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

702 d. The rules of the association.

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

705 ~~f.e.~~ A list of all executory contracts or documents to
706 which the association is a party or under which the association
707 or the unit owners have an obligation or responsibility and,
708 after bidding for the related materials, equipment, or services

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709 has closed, a list of bids received by the association within
710 the past year. Summaries of bids for materials, equipment, or
711 services which exceed \$500 must be maintained on the website or
712 application for 1 year. In lieu of summaries, complete copies of
713 the bids may be posted.

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

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

719 ~~i.h.~~ The certification of each director required by s.
720 718.112(2)(d)4.b.

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

726 ~~k.j.~~ Any contract or document regarding a conflict of
727 interest or possible conflict of interest as provided in ss.
728 468.4335, 468.436(2)(b)6., and 718.3027(3).

729 ~~l.k.~~ The notice of any unit owner meeting and the agenda
730 for the meeting, as required by s. 718.112(2)(d)3., no later
731 than 14 days before the meeting. The notice must be posted in
732 plain view on the front page of the website or application, or
733 on a separate subpage of the website or application labeled

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"Notices" which is conspicuously visible and linked from the front page. The association must also post on its website or application any document to be considered and voted on by the owners during the meeting or any document listed on the agenda at least 7 days before the meeting at which the document or the information within the document will be considered.

~~m.1.~~ Notice of any board meeting, the agenda, and any other document required for the meeting as required by s. 718.112(2)(c), which must be posted no later than the date required for notice under s. 718.112(2)(c).

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

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

p. Copies of all assessments and special assessments for the previous 2 years and an itemized list indicating which assessments and special assessments are related to the milestone inspection report as provided under s. 553.899 and which assessments and special assessments are related to the association's most recent structural integrity reserve study, if applicable.

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

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

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

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

775 **Section 7. Paragraphs (c), (d), (f), (g), (l), and (p) of**
776 **subsection (2) of section 718.112, Florida Statutes, are**
777 **amended, and paragraph (m) of that subsection is republished, to**
778 **read:**

779 718.112 Bylaws.—

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

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

1. Adequate notice of all board meetings, which must specifically identify all agenda items, must be posted

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808 conspicuously on the condominium property at least 48 continuous
809 hours before the meeting except in an emergency. If 20 percent
810 of the voting interests petition the board to address an item of
811 business, the board, within 60 days after receipt of the
812 petition, shall place the item on the agenda at its next regular
813 board meeting or at a special meeting called for that purpose.
814 An item not included on the notice may be taken up on an
815 emergency basis by a vote of at least a majority plus one of the
816 board members. Such emergency action must be noticed and
817 ratified at the next regular board meeting. Written notice of a
818 meeting at which a nonemergency special assessment or an
819 amendment to rules regarding unit use will be considered must be
820 mailed, delivered, or electronically transmitted to the unit
821 owners and posted conspicuously on the condominium property at
822 least 14 days before the meeting. Evidence of compliance with
823 this 14-day notice requirement must be made by an affidavit
824 executed by the person providing the notice and filed with the
825 official records of the association.

826 2. Upon notice to the unit owners, the board shall, by
827 duly adopted rule, designate a specific location on the
828 condominium property at which all notices of board meetings must
829 be posted. If there is no condominium property at which notices
830 can be posted, notices shall be mailed, delivered, or
831 electronically transmitted to each unit owner at least 14 days
832 before the meeting. In lieu of or in addition to the physical

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833 posting of the notice on the condominium property, the
834 association may, by reasonable rule, adopt a procedure for
835 conspicuously posting and repeatedly broadcasting the notice and
836 the agenda on a closed-circuit cable television system serving
837 the condominium association. However, if broadcast notice is
838 used in lieu of a notice physically posted on condominium
839 property, the notice and agenda must be broadcast at least four
840 times every broadcast hour of each day that a posted notice is
841 otherwise required under this section. If broadcast notice is
842 provided, the notice and agenda must be broadcast in a manner
843 and for a sufficient continuous length of time so as to allow an
844 average reader to observe the notice and read and comprehend the
845 entire content of the notice and the agenda. In addition to any
846 of the authorized means of providing notice of a meeting of the
847 board, the association may, by rule, adopt a procedure for
848 conspicuously posting the meeting notice and the agenda on a
849 website serving the condominium association for at least the
850 minimum period of time for which a notice of a meeting is also
851 required to be physically posted on the condominium property.
852 Any rule adopted shall, in addition to other matters, include a
853 requirement that the association send an electronic notice in
854 the same manner as a notice for a meeting of the members, which
855 must include a hyperlink to the website at which the notice is
856 posted, to unit owners whose e-mail addresses are included in
857 the association's official records.

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858 3. Notice of any meeting in which regular or special
859 assessments against unit owners are to be considered must
860 specifically state that assessments will be considered and
861 provide the estimated cost and description of the purposes for
862 such assessments. If an agenda item relates to the approval of a
863 contract for goods or services, a copy of the contract must be
864 provided with the notice and be made available for inspection
865 and copying upon a written request from a unit owner or made
866 available on the association's website or through an application
867 that can be downloaded on a mobile device.

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

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

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

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

884 (d) Unit owner meetings.—

885 1. An annual meeting of the unit owners must be held at
886 the location provided in the association bylaws and, if the
887 bylaws are silent as to the location, the meeting must be held
888 within 45 miles of the condominium property. However, such
889 distance requirement does not apply to an association governing
890 a timeshare condominium.

891 2. Unless the bylaws provide otherwise, a vacancy on the
892 board caused by the expiration of a director's term must be
893 filled by electing a new board member, and the election must be
894 by secret ballot. An election is not required if the number of
895 vacancies equals or exceeds the number of candidates. For
896 purposes of this paragraph, the term "candidate" means an
897 eligible person who has timely submitted the written notice, as
898 described in sub-subparagraph 4.a., of his or her intention to
899 become a candidate. Except in a timeshare or nonresidential
900 condominium, or if the staggered term of a board member does not
901 expire until a later annual meeting, or if all members' terms
902 would otherwise expire but there are no candidates, the terms of
903 all board members expire at the annual meeting, and such members
904 may stand for reelection unless prohibited by the bylaws. Board
905 members may serve terms longer than 1 year if permitted by the
906 bylaws or articles of incorporation. A board member may not

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907 | serve more than 8 consecutive years unless approved by an
908 | affirmative vote of unit owners representing two-thirds of all
909 | votes cast in the election or unless there are not enough
910 | eligible candidates to fill the vacancies on the board at the
911 | time of the vacancy. Only board service that occurs on or after
912 | July 1, 2018, may be used when calculating a board member's term
913 | limit. If the number of board members whose terms expire at the
914 | annual meeting equals or exceeds the number of candidates, the
915 | candidates become members of the board effective upon the
916 | adjournment of the annual meeting. Unless the bylaws provide
917 | otherwise, any remaining vacancies shall be filled by the
918 | affirmative vote of the majority of the directors making up the
919 | newly constituted board even if the directors constitute less
920 | than a quorum or there is only one director. In a residential
921 | condominium association of more than 10 units or in a
922 | residential condominium association that does not include
923 | timeshare units or timeshare interests, co-owners of a unit may
924 | not serve as members of the board of directors at the same time
925 | unless they own more than one unit or unless there are not
926 | enough eligible candidates to fill the vacancies on the board at
927 | the time of the vacancy. A unit owner in a residential
928 | condominium desiring to be a candidate for board membership must
929 | comply with sub-subparagraph 4.a. and must be eligible to be a
930 | candidate to serve on the board of directors at the time of the
931 | deadline for submitting a notice of intent to run in order to

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932 have his or her name listed as a proper candidate on the ballot
933 or to serve on the board. A person who has been suspended or
934 removed by the division under this chapter, or who is delinquent
935 in the payment of any assessment due to the association, is not
936 eligible to be a candidate for board membership and may not be
937 listed on the ballot. For purposes of this paragraph, a person
938 is delinquent if a payment is not made by the due date as
939 specifically identified in the declaration of condominium,
940 bylaws, or articles of incorporation. If a due date is not
941 specifically identified in the declaration of condominium,
942 bylaws, or articles of incorporation, the due date is the first
943 day of the assessment period. A person who has been convicted of
944 any felony in this state or in a United States District or
945 Territorial Court, or who has been convicted of any offense in
946 another jurisdiction which would be considered a felony if
947 committed in this state, is not eligible for board membership
948 unless such felon's civil rights have been restored for at least
949 5 years as of the date such person seeks election to the board.
950 The validity of an action by the board is not affected if it is
951 later determined that a board member is ineligible for board
952 membership due to having been convicted of a felony. This
953 subparagraph does not limit the term of a member of the board of
954 a nonresidential or timeshare condominium.

955 3. The bylaws must provide the method of calling meetings
956 of unit owners, including annual meetings. Written notice of an

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957 annual meeting must include an agenda; be mailed, hand
958 delivered, or electronically transmitted to each unit owner at
959 least 14 days before the annual meeting; and be posted in a
960 conspicuous place on the condominium property or association
961 property at least 14 continuous days before the annual meeting.
962 Written notice of a meeting other than an annual meeting must
963 include an agenda; be mailed, hand delivered, or electronically
964 transmitted to each unit owner; and be posted in a conspicuous
965 place on the condominium property or association property within
966 the timeframe specified in the bylaws. If the bylaws do not
967 specify a timeframe for written notice of a meeting other than
968 an annual meeting, notice must be provided at least 14
969 continuous days before the meeting. Upon notice to the unit
970 owners, the board shall, by duly adopted rule, designate a
971 specific location on the condominium property or association
972 property at which all notices of unit owner meetings must be
973 posted. This requirement does not apply if there is no
974 condominium property for posting notices. In lieu of, or in
975 addition to, the physical posting of meeting notices, the
976 association may, by reasonable rule, adopt a procedure for
977 conspicuously posting and repeatedly broadcasting the notice and
978 the agenda on a closed-circuit cable television system serving
979 the condominium association. However, if broadcast notice is
980 used in lieu of a notice posted physically on the condominium
981 property, the notice and agenda must be broadcast at least four

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982 times every broadcast hour of each day that a posted notice is
983 otherwise required under this section. If broadcast notice is
984 provided, the notice and agenda must be broadcast in a manner
985 and for a sufficient continuous length of time so as to allow an
986 average reader to observe the notice and read and comprehend the
987 entire content of the notice and the agenda. In addition to any
988 of the authorized means of providing notice of a meeting of the
989 board, the association may, by rule, adopt a procedure for
990 conspicuously posting the meeting notice and the agenda on a
991 website serving the condominium association for at least the
992 minimum period of time for which a notice of a meeting is also
993 required to be physically posted on the condominium property.
994 Any rule adopted shall, in addition to other matters, include a
995 requirement that the association send an electronic notice in
996 the same manner as a notice for a meeting of the members, which
997 must include a hyperlink to the website at which the notice is
998 posted, to unit owners whose e-mail addresses are included in
999 the association's official records. Unless a unit owner waives
1000 in writing the right to receive notice of the annual meeting,
1001 such notice must be hand delivered, mailed, or electronically
1002 transmitted to each unit owner. Notice for meetings and notice
1003 for all other purposes must be mailed to each unit owner at the
1004 address last furnished to the association by the unit owner, or
1005 hand delivered to each unit owner. However, if a unit is owned
1006 by more than one person, the association must provide notice to

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the address that the developer identifies for that purpose and thereafter as one or more of the owners of the unit advise the association in writing, or if no address is given or the owners of the unit do not agree, to the address provided on the deed of record. An officer of the association, or the manager or other person providing notice of the association meeting, must provide an affidavit or United States Postal Service certificate of mailing, to be included in the official records of the association affirming that the notice was mailed or hand delivered in accordance with this provision.

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

a. At least 60 days before a scheduled election, the association shall mail, deliver, or electronically transmit, by separate association mailing or included in another association mailing, delivery, or transmission, including regularly published newsletters, to each unit owner entitled to a vote, a first notice of the date of the election. A unit owner or other eligible person desiring to be a candidate for the board must give written notice of his or her intent to be a candidate to

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1032 the association at least 40 days before a scheduled election.
1033 Together with the written notice and agenda as set forth in
1034 subparagraph 3., the association shall mail, deliver, or
1035 electronically transmit a second notice of the election to all
1036 unit owners entitled to vote, together with a ballot that lists
1037 all candidates not less than 14 days or more than 34 days before
1038 the date of the election. Upon request of a candidate, an
1039 information sheet, no larger than 8 1/2 inches by 11 inches,
1040 which must be furnished by the candidate at least 35 days before
1041 the election, must be included with the mailing, delivery, or
1042 transmission of the ballot, with the costs of mailing, delivery,
1043 or electronic transmission and copying to be borne by the
1044 association. The association is not liable for the contents of
1045 the information sheets prepared by the candidates. In order to
1046 reduce costs, the association may print or duplicate the
1047 information sheets on both sides of the paper. The division
1048 shall by rule establish voting procedures consistent with this
1049 sub-subparagraph, including rules establishing procedures for
1050 giving notice by electronic transmission and rules providing for
1051 the secrecy of ballots. Elections shall be decided by a
1052 plurality of ballots cast. There is no quorum requirement;
1053 however, at least 20 percent of the eligible voters must cast a
1054 ballot in order to have a valid election. A unit owner may not
1055 authorize any other person to vote his or her ballot, and any
1056 ballots improperly cast are invalid. A unit owner who violates

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1057 this provision may be fined by the association in accordance
1058 with s. 718.303. A unit owner who needs assistance in casting
1059 the ballot for the reasons stated in s. 101.051 may obtain such
1060 assistance. The regular election must occur on the date of the
1061 annual meeting. Notwithstanding this sub-subparagraph, an
1062 election is not required unless more candidates file notices of
1063 intent to run or are nominated than board vacancies exist.

1064 b. A director of a board of an association of a
1065 residential condominium shall:

1066 (I) Certify in writing to the secretary of the association
1067 that he or she has read the association's declaration of
1068 condominium, articles of incorporation, bylaws, and current
1069 written policies; that he or she will work to uphold such
1070 documents and policies to the best of his or her ability; and
1071 that he or she will faithfully discharge his or her fiduciary
1072 responsibility to the association's members.

1073 (II) Submit to the secretary of the association a
1074 certificate of having satisfactorily completed the educational
1075 curriculum administered by the division or a division-approved
1076 condominium education provider. The educational curriculum must
1077 be at least 4 hours long and include instruction on milestone
1078 inspections, structural integrity reserve studies, elections,
1079 recordkeeping, financial literacy and transparency, levying of
1080 fines, and notice and meeting requirements.

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1082 Each newly elected or appointed director must submit to the
1083 secretary of the association the written certification and
1084 educational certificate within 1 year before being elected or
1085 appointed or 90 days after the date of election or appointment.
1086 A director of an association of a residential condominium who
1087 was elected or appointed before July 1, 2024, must comply with
1088 the written certification and educational certificate
1089 requirements in this sub-subparagraph by June 30, 2025. The
1090 written certification and educational certificate is valid for 7
1091 years after the date of issuance and does not have to be
1092 resubmitted as long as the director serves on the board without
1093 interruption during the 7-year period. A director who is
1094 appointed by the developer may satisfy the educational
1095 certificate requirement in sub-sub-subparagraph (II) for any
1096 subsequent appointment to a board by a developer within 7 years
1097 after the date of issuance of the most recent educational
1098 certificate, including any interruption of service on a board or
1099 appointment to a board in another association within that 7-year
1100 period. One year after submission of the most recent written
1101 certification and educational certificate, and annually
1102 thereafter, a director of an association of a residential
1103 condominium must submit to the secretary of the association a
1104 certificate of having satisfactorily completed at least 1 hour
1105 of continuing education administered by the division, or a
1106 division-approved condominium education provider, relating to

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

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

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

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

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

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

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

9. Unless otherwise provided in the bylaws, any vacancy occurring on the board before the expiration of a term may be filled by the affirmative vote of the majority of the remaining directors, even if the remaining directors constitute less than a quorum, or by the sole remaining director. In the alternative,

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1156 a board may hold an election to fill the vacancy, in which case
1157 the election procedures must conform to sub-subparagraph 4.a.
1158 unless the association governs 10 units or fewer and has opted
1159 out of the statutory election process, in which case the bylaws
1160 of the association control. Unless otherwise provided in the
1161 bylaws, a board member appointed or elected under this section
1162 shall fill the vacancy for the unexpired term of the seat being
1163 filled. Filling vacancies created by recall is governed by
1164 paragraph (1) and rules adopted by the division.

1165 10. This chapter does not limit the use of general or
1166 limited proxies, require the use of general or limited proxies,
1167 or require the use of a written ballot or voting machine for any
1168 agenda item or election at any meeting of a timeshare
1169 condominium association or nonresidential condominium
1170 association.

1171
1172 Notwithstanding subparagraph (b)2. and sub-subparagraph 4.a., an
1173 association of 10 or fewer units may, by affirmative vote of a
1174 majority of the total voting interests, provide for different
1175 voting and election procedures in its bylaws, which may be by a
1176 proxy specifically delineating the different voting and election
1177 procedures. The different voting and election procedures may
1178 provide for elections to be conducted by limited or general
1179 proxy. Notwithstanding sub-subparagraph 4.a., an association
1180 operating a nonresidential condominium may provide for different

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1181 voting and election procedures in its bylaws, or by an amendment
1182 to its bylaws, which may include alternative notice requirements
1183 and voting by limited or general proxy.

1184 (f) Annual budget.—

1185 1. The proposed annual budget of estimated revenues and
1186 expenses must be detailed and must show the amounts budgeted by
1187 accounts and expense classifications, including, at a minimum,
1188 any applicable expenses listed in s. 718.504(21). The board
1189 shall adopt the annual budget at least 14 days before the start
1190 of the association's fiscal year. In the event that the board
1191 fails to timely adopt the annual budget a second time, it is
1192 deemed a minor violation and the prior year's budget shall
1193 continue in effect until a new budget is adopted. A
1194 multicondominium association must adopt a separate budget of
1195 common expenses for each condominium the association operates
1196 and must adopt a separate budget of common expenses for the
1197 association. In addition, if the association maintains limited
1198 common elements with the cost to be shared only by those
1199 entitled to use the limited common elements as provided for in
1200 s. 718.113(1), the budget or a schedule attached to it must show
1201 the amount budgeted for this maintenance. If, after turnover of
1202 control of the association to the unit owners, any of the
1203 expenses listed in s. 718.504(21) are not applicable, they do
1204 not need to be listed.

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2.a. In addition to annual operating expenses, the budget must include reserve accounts for capital expenditures and deferred maintenance. These accounts must include, but are not limited to, roof replacement, building painting, and pavement resurfacing, regardless of the amount of deferred maintenance expense or replacement cost, and any other item that has a deferred maintenance expense or replacement cost that exceeds \$25,000 ~~\$10,000~~. The amount to be reserved must be computed using a formula based upon estimated remaining useful life and estimated replacement cost or deferred maintenance expense of the reserve item. In a budget adopted by an association that is required to obtain a structural integrity reserve study, reserves must be maintained for the items identified in paragraph (g) for which the association is responsible pursuant to the declaration of condominium, and the reserve amount for such items must be based on the findings and recommendations of the association's most recent structural integrity reserve study. If the total voting interests of the association vote to terminate the condominium in accordance with s. 718.117, the members may vote to waive the maintenance of reserves recommended by the association's most recent structural integrity reserve study. With respect to items for which an estimate of useful life is not readily ascertainable or with an estimated remaining useful life of greater than 25 years, an association is not required to reserve replacement costs for

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1230 such items, but an association must reserve the amount of
1231 deferred maintenance expense, if any, which is recommended by
1232 the structural integrity reserve study for such items. The
1233 association may adjust replacement reserve assessments annually
1234 to take into account an inflation adjustment and any changes in
1235 estimates or extension of the useful life of a reserve item
1236 caused by deferred maintenance. The members of a unit-owner-
1237 controlled association may determine, by a majority vote of the
1238 total voting interests of the association, to provide no
1239 reserves or less reserves than required by this subsection. For
1240 a budget adopted on or after December 31, 2024, the members of a
1241 unit-owner-controlled association that must obtain a structural
1242 integrity reserve study may not determine to provide no reserves
1243 or less reserves than required by this subsection for items
1244 listed in paragraph (g), except that members of an association
1245 operating a multicondominium may determine to provide no
1246 reserves or less reserves than required by this subsection if an
1247 alternative funding method has been approved by the division. If
1248 the local building official, as defined in s. 468.603,
1249 determines that the entire condominium building is uninhabitable
1250 due to a natural emergency, as defined in s. 252.34, the board,
1251 ~~upon the approval of a majority of its members,~~ may pause the
1252 contribution to its reserves or reduce reserve funding until the
1253 local building official determines that the condominium building
1254 is habitable. Any reserve account funds held by the association

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may be expended, pursuant to the board's determination, to make the condominium building and its structures habitable. Upon the determination by the local building official that the condominium building is habitable, the association must immediately resume contributing funds to its reserves.

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

c. The members of a unit-owner-controlled association may approve, by a majority vote of the total voting interests of the association, the provision of a secured line of credit to meet the reserve funding schedule recommended by a structural integrity reserve study. Before voting to secure a line of credit as authorized in this sub-subparagraph, the association must provide notice to each member of the association indicating that the association will charge the members an assessment in the future if the members decline to annually fund all reserves and instead secure a line of credit. Such notice must provide

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1280 the projected amount of such assessment in each future year. The
1281 department shall adopt rules to implement this sub-subparagraph.

1282 3. Reserve funds and any interest accruing thereon shall
1283 remain in the reserve account or accounts, and may be used only
1284 for authorized reserve expenditures unless their use for other
1285 purposes is approved in advance by a majority vote of all the
1286 total voting interests of the association. Before turnover of
1287 control of an association by a developer to unit owners other
1288 than the developer pursuant to s. 718.301, the developer-
1289 controlled association may not vote to use reserves for purposes
1290 other than those for which they were intended. For a budget
1291 adopted on or after December 31, 2024, members of a unit-owner-
1292 controlled association that must obtain a structural integrity
1293 reserve study may not vote to use reserve funds, or any interest
1294 accruing thereon, for any other purpose other than the
1295 replacement or deferred maintenance costs of the components
1296 listed in paragraph (g). A vote of the members is not required
1297 to create the reserve account or accounts in accordance with the
1298 most recent structural integrity reserve study.

1299 4. The only voting interests that are eligible to vote on
1300 questions that involve waiving or reducing the funding of
1301 reserves, or using existing reserve funds for purposes other
1302 than purposes for which the reserves were intended, are the
1303 voting interests of the units subject to assessment to fund the
1304 reserves in question. Proxy questions relating to waiving or

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reducing the funding of reserves or using existing reserve funds for purposes other than purposes for which the reserves were intended must contain the following statement in capitalized, bold letters in a font size larger than any other used on the face of the proxy ballot: WAIVING OF RESERVES, IN WHOLE OR IN PART, OR ALLOWING ALTERNATIVE USES OF EXISTING RESERVES MAY RESULT IN UNIT OWNER LIABILITY FOR PAYMENT OF UNANTICIPATED SPECIAL ASSESSMENTS REGARDING THOSE ITEMS.

5. An association's reserve accounts may be pooled for two or more required components. Reserve funding for components listed in paragraph (g) may only be pooled with other components listed in paragraph (g). The reserve funding indicated in the proposed annual budget must be sufficient to ensure that available funds meet or exceed projected expenses for all components in the reserve pool based on the most recent structural integrity reserve study.

(g) Structural integrity reserve study.—

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

a. Roof.

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

c. Fireproofing and fire protection systems.

d. Plumbing.

e. Electrical systems.

f. Waterproofing and exterior painting.

g. Windows and exterior doors.

h. Any other item that has a deferred maintenance expense or replacement cost that exceeds \$25,000 ~~\$10,000~~ and the failure to replace or maintain such item negatively affects the items listed in sub-subparagraphs a.-g., as determined by the visual inspection portion of the structural integrity reserve study. The base amount of the expense or replacement cost referenced in this sub-subparagraph must be modified annually based on the Consumer Price Index for All Urban Consumers released in January. By February 1 of each year, the department must conspicuously post on its website the revised expense or replacement cost for all items that must be included in the structural integrity reserve study pursuant to this sub-subparagraph.

2. A structural integrity reserve study is based on a visual inspection of the condominium property. A structural integrity reserve study may be performed by any person qualified to perform such study. However, the visual inspection portion of

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1355 the structural integrity reserve study must be performed or
1356 verified by an engineer licensed under chapter 471, an architect
1357 licensed under chapter 481, or a person certified as a reserve
1358 specialist or professional reserve analyst by the Community
1359 Associations Institute or the Association of Professional
1360 Reserve Analysts. It is a conflict of interest for any person
1361 who performs a structural integrity reserve study or a milestone
1362 inspection under s. 553.899 to provide or contract to provide
1363 services for the repair or replacement of the condominium
1364 property that was the subject of such structural integrity
1365 reserve study or milestone inspection, or to have a financial
1366 interest with the person or entity providing the repair or
1367 replacement services.

1368 3. At a minimum, a structural integrity reserve study must
1369 identify each item of the condominium property being visually
1370 inspected, state the estimated remaining useful life and the
1371 estimated replacement cost or deferred maintenance expense of
1372 each item of the condominium property being visually inspected,
1373 and provide a reserve funding schedule with a recommended annual
1374 reserve amount that achieves the estimated replacement cost or
1375 deferred maintenance expense of each item of condominium
1376 property being visually inspected by the end of the estimated
1377 remaining useful life of the item. The structural integrity
1378 reserve study may recommend that reserves do not need to be
1379 maintained for any item for which an estimate of useful life and

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1380 an estimate of replacement cost cannot be determined, or the
1381 study may recommend a deferred maintenance expense amount for
1382 such item. The structural integrity reserve study may recommend
1383 that reserves for replacement costs do not need to be maintained
1384 for any item with an estimated remaining useful life of greater
1385 than 25 years, but the study may recommend a deferred
1386 maintenance expense amount for such item.

1387 4. This paragraph does not apply to buildings less than
1388 three stories in height; single-family, two-family, ~~or~~ three-
1389 family, or four-family dwellings with three or fewer habitable
1390 stories above ground; any portion or component of a building
1391 that has not been submitted to the condominium form of
1392 ownership; or any portion or component of a building that is
1393 maintained by a party other than the association.

1394 5. Before a developer turns over control of an association
1395 to unit owners other than the developer, the developer must have
1396 a turnover inspection report in compliance with s. 718.301(4)(p)
1397 and (q) for each building on the condominium property that is
1398 three stories or higher in height.

1399 6. Associations existing on or before July 1, 2022, which
1400 are controlled by unit owners other than the developer, must
1401 have a structural integrity reserve study completed by December
1402 31, 2024, for each building on the condominium property that is
1403 three stories or higher in height. An association that is
1404 required to complete a milestone inspection in accordance with

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

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.

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

9. Within 45 days after receiving the structural integrity reserve study, the association must distribute a copy of the study to each unit owner or deliver to each unit owner a notice that the completed study is available for inspection and copying upon a written request. Distribution of a copy of the study or notice must be made by United States mail or personal delivery to the mailing address, property address, or any other address of the owner provided to fulfill the association's notice

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requirements under this chapter, or by electronic transmission to the e-mail address or facsimile number provided to fulfill the association's notice requirements to unit owners who previously consented to receive notice by electronic transmission.

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

11. By October 1, 2025, the Department of Business and Professional Regulation shall initiate rulemaking to:

a. Adopt by rule, in coordination with the Florida Building Commission, the form to be used for the structural integrity reserve study.

b. Adopt by rule criteria for determining the estimated useful life of the building components identified in subparagraph 1.

(1) Recall of board members.—Subject to s. 718.301, any member of the board of administration may be recalled and removed from office with or without cause by ~~the vote or~~ agreement ~~in writing~~ by a majority of all the voting interests.

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1455 A voting interest of the condominium may not be suspended when
1456 voting to recall a member of the board of administration and any
1457 prior suspension of voting rights pursuant to s. 718.303(5)
1458 shall have no effect on a recall vote ~~A special meeting of the~~
1459 ~~unit owners to recall a member or members of the board of~~
1460 ~~administration may be called by 10 percent of the voting~~
1461 ~~interests giving notice of the meeting as required for a meeting~~
1462 ~~of unit owners, and the notice shall state the purpose of the~~
1463 ~~meeting. Electronic transmission may not be used as a method of~~
1464 ~~giving notice of a meeting called in whole or in part for this~~
1465 ~~purpose.~~

1466 ~~1. If the recall is approved by a majority of all voting~~
1467 ~~interests by a vote at a meeting, the recall will be effective~~
1468 ~~as provided in this paragraph. The board shall duly notice and~~
1469 ~~hold a board meeting within 5 full business days after the~~
1470 ~~adjournment of the unit owner meeting to recall one or more~~
1471 ~~board members. Such member or members shall be recalled~~
1472 ~~effective immediately upon conclusion of the board meeting,~~
1473 ~~provided that the recall is facially valid. A recalled member~~
1474 ~~must turn over to the board, within 10 full business days after~~
1475 ~~the vote, any and all records and property of the association in~~
1476 ~~their possession.~~

1477 ~~1.2. If The proposed recall is by an agreement in writing~~
1478 ~~by a majority of all voting interests, the agreement in writing~~
1479 ~~or a copy thereof must shall be served on the association by~~

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1480 registered ~~certified~~ mail or ~~by personal service~~ in the manner
1481 authorized by chapter 48 and the Florida Rules of Civil
1482 Procedure. Methods of service that are not authorized by chapter
1483 48 and the Florida Rules of Civil Procedure are invalid and any
1484 service that does not comply with this paragraph is void. The
1485 board of administration shall duly notice and hold a meeting of
1486 the board within 5 full business days after receipt of the
1487 agreement by valid service as authorized under this paragraph ~~in~~
1488 ~~writing~~. Such member or members must ~~shall~~ be recalled effective
1489 immediately upon the conclusion of the board meeting, provided
1490 that the recall is facially valid and the agreement was validly
1491 served. A recalled member must turn over to the board, within 10
1492 full business days, ~~any and~~ all records and property of the
1493 association in his or her ~~their~~ possession.

1494 2. Rejection of a unit owner's recall agreement under this
1495 section applies when the recall agreement:

- 1496 a. Was improperly served;
1497 b. Was executed by a person who was not a unit's record
1498 owner or designated voter;
1499 c. Was previously marked for the removal of any board
1500 member;
1501 d. Does not contain any markings that indicate the
1502 selection by a unit owner to either remove or retain a board
1503 member; or
1504 e. Does not contain the signature of the unit owner.

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1505 3. There is a rebuttable presumption that a unit owner
1506 executing the recall agreement is the designated voter for the
1507 unit. An association may not enforce a voting certificate
1508 requirement if the association has not enforced such requirement
1509 in all matters requiring the use of voting certificates in the
1510 year immediately preceding service of the recall agreement.

1511 4. A rescission or revocation of a unit owner's recall
1512 agreement must be in writing and delivered to the association
1513 before the association is served with the written recall
1514 agreement. This subparagraph must be liberally construed to
1515 ensure a unit owner is not disenfranchised by an association in
1516 a recall and to prevent an association from failing to certify a
1517 recall agreement on a technical omission which is not a part in
1518 the discharge of the unit owner's voting rights.

1519 ~~5.3.~~ If the board fails to duly notice and hold a board
1520 meeting within 5 full business days after service of an
1521 agreement in writing or within 5 full business days after the
1522 adjournment of the unit owner recall meeting, the recall is
1523 deemed effective and the board members so recalled shall turn
1524 over to the board within 10 full business days after the vote
1525 ~~any and~~ all records and property of the association.

1526 ~~6.4.~~ If the board fails to duly notice and hold the
1527 required meeting or at the conclusion of the meeting determines
1528 that the recall is not facially valid, the unit owner
1529 representative may file a petition or circuit court action under

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s. 718.1255 challenging the board's failure to act or challenging the board's determination on facial validity. The petition or action must be filed within 45 ~~60~~ days after the expiration of the applicable 5-full-business-day period. The review of a petition or action under this subparagraph is limited to the sufficiency of service on the board and the facial validity of the written agreement or ballots filed. The association must be named as the respondent.

7.5. ~~If a vacancy occurs on the board as a result of a recall or removal and less than a majority of the board members are removed, the vacancy may be filled by the affirmative vote of a majority of the remaining directors, notwithstanding any provision to the contrary contained in this subsection. If vacancies occur on the board as a result of a recall and a majority or more of the board members are removed, the vacancies must shall be filled in accordance with procedural rules to be adopted by the division, which rules need not be consistent with this subsection. The rules must provide procedures governing the conduct of the recall election as well as the operation of the association during the period after a recall but before the recall election.~~

8.6. ~~A board member who has been recalled may file a petition or court action under s. 718.1255 challenging the validity of the recall. The petition or action must be filed within 45 60 days after the recall. The association and the unit~~

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owner representative must ~~shall~~ be named as the respondents. The petition or action may challenge the facial validity of the written agreement or ballots filed or the substantial compliance with the procedural requirements for the recall. If the arbitrator or court determines the recall was invalid, the petitioning board member must ~~shall~~ immediately be reinstated and the recall is null and void. A board member who is successful in challenging a recall is entitled to recover reasonable attorney fees and costs from the respondents. The arbitrator or court may award reasonable attorney fees and costs to the respondents if they prevail, if the arbitrator or court makes a finding that the petitioner's claim is frivolous.

9.7. ~~The division or a court of competent jurisdiction may not accept for filing a recall petition or court action, whether filed under subparagraph 1., subparagraph 2., subparagraph 4., or subparagraph 6., or subparagraph 8., when there are 45 60 or fewer days until the scheduled reelection of the board member sought to be recalled or when 45 60 or fewer days have elapsed since the election of the board member sought to be recalled.~~

(m) Alternative dispute resolution.—There must be a provision for alternative dispute resolution as provided for in s. 718.1255 for any residential condominium.

(p) Director or officer delinquencies.—A director or officer more than 90 days delinquent in the payment of any monetary obligation due the association is ~~shall be~~ deemed to

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1580 have abandoned the office, creating a vacancy in the office to
1581 be filled according to law. For the purpose of this paragraph, a
1582 director or an officer is delinquent if a payment is not made by
1583 the due date as specifically identified in the declarations,
1584 bylaws, or articles of incorporation. If a due date is not
1585 specifically identified in the declaration, bylaws, or articles
1586 of incorporation, the due date is the first day of the
1587 assessment period.

1588 **Section 8. Paragraphs (d) and (e) of subsection (5) of**
1589 **section 718.113, Florida Statutes, are amended to read:**

1590 718.113 Maintenance; limitation upon improvement; display
1591 of flag; hurricane protection; display of religious
1592 decorations.—

1593 (5) To protect the health, safety, and welfare of the
1594 people of the state and to ensure uniformity and consistency in
1595 the hurricane protections installed by condominium associations
1596 and unit owners, this subsection applies to all residential and
1597 mixed-use condominiums in the state, regardless of when the
1598 condominium is created pursuant to the declaration of
1599 condominium. Each board of administration of a residential
1600 condominium or mixed-use condominium must adopt hurricane
1601 protection specifications for each building within each
1602 condominium operated by the association which may include color,
1603 style, and other factors deemed relevant by the board. All
1604 specifications adopted by the board must comply with the

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

(d) Unless otherwise provided in the declaration as originally recorded, or as amended, a unit owner is not responsible for the cost of any removal or reinstallation of hurricane protection, including exterior windows, doors, or other apertures, if its removal is necessary for the maintenance, repair, or replacement of other condominium property or association property for which the association is responsible. The board shall determine if the removal or reinstallation of hurricane protection must be completed by the unit owner or the association if the declaration as originally recorded, or as amended, does not specify who is responsible for such costs. If such removal or reinstallation is completed by the association, the costs incurred by the association may not be charged to the unit owner. If such removal or reinstallation is completed by the unit owner, the association must reimburse the unit owner for the cost of the removal or reinstallation or the association must apply a credit toward future assessments in the amount of the unit owner's cost to remove or reinstall the hurricane protection.

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~~(e) If the removal or reinstallation of hurricane protection, including exterior windows, doors, or other apertures, is the responsibility of the unit owner and the association completes such removal or reinstallation and then charges the unit owner for such removal or reinstallation, such charges are enforceable as an assessment and may be collected in the manner provided under s. 718.116.~~

Section 9. Subsection (10) of section 718.116, Florida Statutes, is amended to read:

718.116 Assessments; liability; lien and priority; interest; collection.—

(10) (a) The specific purpose or purposes of any special assessment, including any contingent special assessment levied in conjunction with the purchase of an insurance policy authorized by s. 718.111(11), approved in accordance with the condominium documents shall be set forth in a written notice of such assessment sent or delivered to each unit owner. The funds collected pursuant to a special assessment shall be used only for the specific purpose or purposes set forth in such notice. However, upon completion of such specific purpose or purposes, any excess funds will be considered common surplus, and may, at the discretion of the board, either be returned to the unit owners or applied as a credit toward future assessments.

(b) The Legislature finds that:

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1653 1. In some circumstances, the declaration, articles of
1654 incorporation, or bylaws of an association restrict the
1655 authority of the board of administration to levy special
1656 assessments without first obtaining the approval of the
1657 membership, which may preclude an association from obtaining
1658 immediate funding to carry out its obligations to perform
1659 necessary maintenance, repair, or replacement of the condominium
1660 property as required by the milestone inspection report and
1661 structural integrity reserve study report in order to protect
1662 the health and safety of the unit owners and tenants of the
1663 property.

1664 2. It is contrary to the public policy of this state to
1665 limit the ability of an association to obtain the funds needed
1666 to perform necessary maintenance, repair, or replacement of the
1667 condominium property as required by the milestone inspection
1668 report and structural integrity reserve study report in order to
1669 protect the unit owners and tenants of the property.

1670 3. Authorizing the board of administration of an
1671 association to meet its fiduciary duty and levy special
1672 assessments to fund necessary maintenance, repair, or
1673 replacement of the condominium property as required by the
1674 milestone inspection report and structural integrity reserve
1675 study report in order to protect the health and safety of the
1676 unit owners and tenants of the property is in the public
1677 interest; that requiring an association to obtain membership

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approval endangers the public safety; and that there is a compelling state interest in enabling the board of administration of an association to levy special assessments to perform necessary maintenance, repair, or replacement of the condominium property as required by the milestone inspection report and structural integrity reserve study report without the approval of the membership in order to protect the health and safety of the unit owners and tenants of the property.

(c) Notwithstanding any provision to the contrary contained in an association's declaration, articles of incorporation, or bylaws, the board of administration of an association may levy special assessments to perform necessary maintenance, repair, or replacement of the condominium property as required by the milestone inspection report and structural integrity reserve study report without the approval of the membership in order to protect the health and safety of the unit owners and tenants of the property.

(d) Paragraph (c) applies to all condominiums in existence on or after July 1, 2025, which are not subject to control of the developer as defined in s. 718.103 or a bulk assignee or bulk buyer, as those terms are defined in s. 718.703.

Section 10. Paragraph (a) of subsection (2) and subsections (3), (4), and (16) of section 718.117, Florida Statutes, are amended to read:

718.117 Termination of condominium.—

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1703 (2) TERMINATION BECAUSE OF ECONOMIC WASTE OR
1704 IMPOSSIBILITY.—

1705 (a) Notwithstanding any provision in the declaration, the
1706 condominium form of ownership of a property may be terminated by
1707 a plan of termination approved by the lesser of the lowest
1708 percentage of voting interests necessary to amend the
1709 declaration or as otherwise provided in the declaration for
1710 approval of termination if:

1711 1. The total estimated cost of construction, replacement,
1712 or repairs necessary to construct or replace the intended
1713 improvements or restore the improvements to bring them into
1714 compliance with the most recent version of the Florida Building
1715 Code or to ~~their former condition or~~ bring them into compliance
1716 with applicable laws or regulations, plus the combined estimated
1717 fair market value of the units in the condominium before
1718 commencement of the construction, replacement, or repairs,
1719 exceeds the combined estimated fair market value of the units in
1720 the condominium after completion of the construction,
1721 replacement, or repairs. However, if at least 50 percent of the
1722 total voting interests are owned by a bulk owner, as defined in
1723 paragraph (3)(c), termination of the condominium under this
1724 subsection requires the approval of at least 80 percent of all
1725 the voting interests in the condominium; or

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1726 2. It becomes impossible to operate or reconstruct a
1727 condominium to its prior physical configuration because of land
1728 use laws or regulations.

1729 (3) OPTIONAL TERMINATION.—Subject to this subsection, the
1730 condominium form of ownership may be terminated for all or a
1731 portion of the condominium property pursuant to a plan of
1732 termination ~~meeting the requirements of this section and~~
1733 ~~approved by the division. Before a residential association~~
1734 ~~submits a plan to the division, the plan must be approved by at~~
1735 ~~least 80 percent of the total voting interests in of the~~
1736 ~~condominium. However, if 5 percent or more of the total voting~~
1737 ~~interests of the condominium have rejected the plan of~~
1738 ~~termination by negative vote or by providing written objections,~~
1739 ~~the plan of termination may not proceed.~~

1740 (a) The termination of the condominium form of ownership
1741 is subject to the following conditions:

1742 1. The total voting interests of the condominium must
1743 include all voting interests for the purpose of considering a
1744 plan of termination. A voting interest of the condominium may
1745 not be suspended for any reason when voting on termination
1746 pursuant to this subsection.

1747 2. If 5 percent or more of the total voting interests of
1748 the condominium have rejected ~~reject~~ a plan of termination by a
1749 negative vote or by providing written objections, the plan of
1750 termination may not proceed and a subsequent plan of termination

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1751 ~~under pursuant to~~ this subsection may not be considered for 24
1752 months after the date of the rejection.

1753 (b) This subsection does not apply to any condominium
1754 created pursuant to Part VI of this chapter until 5 years after
1755 the recording of the declaration of condominium, unless there is
1756 no objection to the plan of termination.

1757 (c) The requirements of this paragraph apply to
1758 residential condominiums. For purposes of this paragraph
1759 ~~subsection~~, the term "bulk owner" means the single holder of
1760 such voting interests or an owner together with a related entity
1761 or entities that would be considered an insider, as defined in
1762 s. 726.102, holding such voting interests. If ~~the condominium~~
1763 ~~association is a residential association proposed for~~
1764 ~~termination pursuant to this section and~~, at the time of
1765 recording the plan of termination, at least 80 percent of the
1766 total voting interests of the condominium are owned by a bulk
1767 owner, the plan of termination is subject to the following
1768 conditions and limitations:

1769 1. If the former condominium units are offered for lease
1770 to the public after the termination, each unit owner in
1771 occupancy immediately before the date of recording of the plan
1772 of termination may lease his or her former unit and remain in
1773 possession of the unit for 12 months after the effective date of
1774 the termination on the same terms as similar unit types within
1775 the property are being offered to the public. In order to obtain

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1776 a lease and exercise the right to retain exclusive possession of
1777 the unit owner's former unit, the unit owner must make a written
1778 request to the termination trustee to rent the former unit
1779 within 90 days after the date the plan of termination is
1780 recorded. Any unit owner who fails to timely make such written
1781 request and sign a lease within 15 days after being presented
1782 with a lease is deemed to have waived his or her right to retain
1783 possession of his or her former unit and shall be required to
1784 vacate the former unit upon the effective date of the
1785 termination, unless otherwise provided in the plan of
1786 termination.

1787 2. Any former unit owner whose unit was granted homestead
1788 exemption status by the applicable county property appraiser as
1789 of the date of the recording of the plan of termination shall be
1790 paid a relocation payment in an amount equal to 1 percent of the
1791 termination proceeds allocated to the owner's former unit. Any
1792 relocation payment payable under this subparagraph shall be paid
1793 by the single entity or related entities owning at least 80
1794 percent of the total voting interests. Such relocation payment
1795 shall be in addition to the termination proceeds for such
1796 owner's former unit and shall be paid no later than 10 days
1797 after the former unit owner vacates his or her former unit.

1798 3. For their respective units, all unit owners other than
1799 the bulk owner must be compensated at least 100 percent of the
1800 fair market value of their units. The fair market value shall be

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determined as of a date that is no earlier than 90 days before the date that the plan of termination is recorded and shall be determined by an independent appraiser selected by the termination trustee. For a person whose unit was granted homestead exemption status by the applicable county property appraiser, or was an owner-occupied operating business, as of the date that the plan of termination is recorded and who is current in payment of both assessments and other monetary obligations to the association as of the date the plan of termination is recorded, the fair market value shall be at least the original purchase price paid for the unit. For purposes of this subparagraph, the term "fair market value" means the price of a unit that a seller is willing to accept and a buyer is willing to pay on the open market in an arms-length transaction based on similar units sold in other condominiums, including units sold in bulk purchases but excluding units sold at wholesale or distressed prices. The purchase price of units acquired in bulk following a bankruptcy or foreclosure shall not be considered for purposes of determining fair market value.

4. The plan of termination must provide for payment of a first mortgage encumbering a unit to the extent necessary to satisfy the lien, but the payment may not exceed the unit's share of the proceeds of termination under the plan. If the unit owner is current in payment of both assessments and other monetary obligations to the association and any mortgage

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1826 encumbering the unit as of the date the plan of termination is
1827 recorded, the receipt by the holder of the unit's share of the
1828 proceeds of termination under the plan or the outstanding
1829 balance of the mortgage, whichever is less, shall be deemed to
1830 have satisfied the first mortgage in full.

1831 5. Before a plan of termination is presented to the unit
1832 owners for consideration pursuant to this paragraph, the plan
1833 must include the following written disclosures in a sworn
1834 statement:

1835 a. The identity of any person or entity that owns or
1836 controls 25 percent or more of the units in the condominium and,
1837 if the units are owned by an artificial entity or entities, a
1838 disclosure of the natural person or persons who, directly or
1839 indirectly, manage or control the entity or entities and the
1840 natural person or persons who, directly or indirectly, own or
1841 control 10 percent or more of the artificial entity or entities
1842 that constitute the bulk owner.

1843 b. The units acquired by any bulk owner, the date each
1844 unit was acquired, and the total amount of compensation paid to
1845 each prior unit owner by the bulk owner, regardless of whether
1846 attributed to the purchase price of the unit.

1847 c. The relationship of any board member to the bulk owner
1848 or any person or entity affiliated with the bulk owner subject
1849 to disclosure pursuant to this subparagraph.

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1850 d. The factual circumstances that show that the plan
1851 complies with the requirements of this section and that the plan
1852 supports the expressed public policies of this section.

1853 (d) If the members of the board of administration are
1854 elected by the bulk owner, unit owners other than the bulk owner
1855 may elect at least one-third of the members of the board of
1856 administration before the approval of any plan of termination.

1857 (e) Termination must be approved by the division after a
1858 plan of termination receives the requisite approval from the
1859 unit owners. The division shall examine the plan of termination
1860 to determine its procedural sufficiency and, within 45 days
1861 after receipt of the initial filing, the division shall notify
1862 the association by mail of any procedural deficiencies or that
1863 the filing is accepted. If the notice is not given within 45
1864 days after the receipt of the filing, the plan of termination is
1865 presumed to be accepted. If the division determines that the
1866 conditions required by this section have been met and that the
1867 plan complies with the procedural requirements of this section,
1868 the division shall authorize the termination, and the
1869 termination may proceed pursuant to this section.

1870 (f) Subsection (2) does not apply to optional termination
1871 pursuant to this subsection.

1872 (4) EXEMPTION.—A plan of termination is not an amendment
1873 subject to s. 718.110(4). In a partial termination, a plan of
1874 termination is not an amendment subject to s. 718.110(4) if the

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ownership share of the common elements of a surviving unit in the condominium remains in the same proportion to the surviving units as it was before the partial termination. Notwithstanding any provision in the declaration to the contrary, the association may amend the declaration of condominium for the purpose of incorporating this section by the lesser of the lowest percentage of voting interests necessary to amend the declaration or as otherwise provided in the declaration, whichever is less.

(16) RIGHT TO CONTEST.—A unit owner or lienor may contest a plan of termination by initiating a petition in accordance with s. 718.1255 within 90 days after the date the plan is recorded. A unit owner or lienor may only contest the fairness and reasonableness of the apportionment of the proceeds from the sale among the unit owners;~~7~~ that the liens of the first mortgages of unit owners other than the bulk owner have not or will not be satisfied to the extent required by subsection (3);that the combined estimated fair market value of the units in the condominium after completion of the construction, replacement, or repairs contemplated by subparagraph (2)(a)1. exceeds the estimated value of the units before the construction, replacement, or repairs plus the cost of the construction, replacement, or repairs;~~7~~ or that the required vote to approve the plan was not obtained. A unit owner or lienor who does not contest the plan within the 90-day period is

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barred from asserting or prosecuting a claim against the association, the termination trustee, any unit owner, or any successor in interest to the condominium property. In an action contesting a plan of termination, the person contesting the plan has the burden of pleading and proving that the apportionment of the proceeds from the sale among the unit owners was not fair and reasonable or that the required vote was not obtained. The apportionment of sale proceeds is presumed fair and reasonable if it was determined pursuant to the methods prescribed in subsection (12). If the petition is filed with the division for arbitration, the arbitrator shall determine the rights and interests of the parties in the apportionment of the sale proceeds. If the arbitrator determines that the apportionment of sales proceeds is not fair and reasonable, the arbitrator may void the plan or may modify the plan to apportion the proceeds in a fair and reasonable manner pursuant to this section based upon the proceedings and order the modified plan of termination to be implemented. If the arbitrator determines that the plan was not properly approved, or that the procedures to adopt the plan were not properly followed, the arbitrator may void the plan or grant other relief it deems just and proper. The arbitrator shall automatically void the plan upon a finding that any of the disclosures required in subparagraph (3)(c)5. are omitted, misleading, incomplete, or inaccurate. Any challenge to a plan, other than a challenge that the required vote was not

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obtained, does not affect title to the condominium property or the vesting of the condominium property in the trustee, but shall only be a claim against the proceeds of the plan. In any such action, the prevailing party shall recover reasonable attorney fees and costs.

Section 11. Subsection (7) of section 718.1255, Florida Statutes, is renumbered as subsection (9), paragraph (a) of subsection (4) and subsection (6) are amended, and new subsections (7) and (8) are added to that section, to read:

718.1255 Alternative dispute resolution; mediation; nonbinding arbitration; applicability.—

(4) NONBINDING ARBITRATION AND MEDIATION OF DISPUTES.—The Division of Florida Condominiums, Timeshares, and Mobile Homes of the Department of Business and Professional Regulation may employ full-time attorneys to act as arbitrators to conduct the arbitration hearings provided by this chapter. The division may also certify attorneys who are not employed by the division to act as arbitrators to conduct the arbitration hearings provided by this chapter. A person may not be employed by the department as a full-time arbitrator unless he or she is a member in good standing of The Florida Bar. A person may only be certified by the division to act as an arbitrator if he or she has been a member in good standing of The Florida Bar for at least 5 years and has mediated or arbitrated at least 10 disputes involving condominiums in this state during the 3 years immediately

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preceding the date of application, mediated or arbitrated at least 30 disputes in any subject area in this state during the 3 years immediately preceding the date of application, or attained board certification in real estate law or condominium and planned development law from The Florida Bar. Arbitrator certification is valid for 1 year. An arbitrator who does not maintain the minimum qualifications for initial certification may not have his or her certification renewed. The department may not enter into a legal services contract for an arbitration hearing under this chapter with an attorney who is not a certified arbitrator unless a certified arbitrator is not available within 50 miles of the dispute. The department shall adopt rules of procedure to govern such arbitration hearings including mediation incident thereto. The decision of an arbitrator is final; however, a decision is not deemed final agency action. Nothing in this provision shall be construed to foreclose parties from proceeding in a trial de novo unless the parties have agreed that the arbitration is binding. If judicial proceedings are initiated, the final decision of the arbitrator is admissible in evidence in the trial de novo.

(a) Before the institution of court litigation, a party to a dispute, other than an election or recall dispute, shall either petition the division for nonbinding arbitration or initiate presuit mediation as provided in subsection (5). In an election or recall dispute that is arbitrated by the division,

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the arbitration decision is binding on the parties unless removed pursuant to subsection (7). For all other disputes, arbitration is binding on the parties if all parties in arbitration agree to be bound in a writing filed in arbitration. The petition must be accompanied by a filing fee in the amount of \$50. Filing fees collected under this section must be used to defray the expenses of the alternative dispute resolution program.

(6) DISPUTES INVOLVING ELECTION IRREGULARITIES OR RECALL OF A DIRECTOR.—Every arbitration petition received by the division and required to be filed under this section challenging the legality of the election of any director of the board of administration or the recall of any director of the board of administration must be handled on an expedited basis in the manner provided by the division's rules for recall arbitration disputes. If a challenge to an election or recall dispute is filed in circuit court, the challenge must be brought in equity as a summary proceeding pursuant to s. 51.011. The party filing the action may request the court to issue a temporary injunction to stay an upcoming election while the action is pending. The court must set an immediate hearing when an action is filed pursuant to this subsection. The court may limit the time for taking testimony based on the circumstances of the matter and the proximity of the date on which a succeeding election is scheduled, if applicable. An action filed pursuant to this

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subsection must be tried without a jury. The prevailing party in an action filed pursuant to this subsection shall recover reasonable attorney fees and costs.

(7) REMOVAL OF ELECTION AND RECALL ARBITRATION ACTIONS.—

(a) A unit owner, a recall representative, or an association may remove a petition for arbitration for an election or a recall dispute within 10 days after service of such petition by filing a notice of removal and complaint in the circuit court for the county in which the association is located. The failure to timely file a notice of removal and complaint bars the parties from seeking a trial de novo or otherwise filing an action in circuit court and the arbitration ruling by the division is final and binding on the parties.

(b) A notice of removal and complaint, as well as a copy of all process, pleadings, and orders served in an action, must be signed pursuant to the Florida Rules of Civil Procedure. The party that does not seek the removal of the arbitration decision does not need to consent to the filing of a notice of removal and complaint. The party filing the notice of removal and complaint must simultaneously serve written notice to all parties and file a copy of such written notice with the division, which ceases any further action on the matter. The party filing the notice of removal and complaint must pay all applicable filing fees within 5 days after filing the notice of removal and complaint. An action or counterclaim filed after the

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filing of the notice of removal and complaint must be brought in equity as a summary proceeding pursuant to s. 51.011. The party filing the action may request the court to issue a temporary injunction to stay an upcoming election while the action is pending. The court must set an immediate hearing when an action is filed pursuant to this paragraph. The court may limit the time for taking testimony based on the circumstances of the matter and the proximity of the date on which a succeeding election is scheduled, if applicable. An action filed pursuant to this paragraph must be tried without a jury. Pursuant to subsection (8), reasonable attorney fees and costs may be awarded in disputes brought under this subsection.

(8) ATTORNEY FEES AND COSTS FOR DISPUTES INVOLVING A RECALL OF DIRECTORS.—If the division or a court of this state renders a judgment or decree against an association and in favor of the unit owner, the division, trial court, or, in the event of an appeal in which the unit owner prevails, the appellate court shall order the association to pay all costs incurred by the unit owner in the action and the unit owner's reasonable attorney fees. The division or court may award such costs and attorney fees in the judgment or decree rendered in the action or such costs and attorney fees may be included in a separate judgment or decree. Costs and attorney fees may not be recovered in any action involving the recall of directors except as

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provided in this subsection or if awarded as a sanction under s.
57.105.

Section 12. Subsection (6) of section 718.128, Florida Statutes, is renumbered as subsection (8), subsection (4) is amended, and new subsections (6) and (7) are added to that section, to read:

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

(4) This section applies to an association that provides for and authorizes an online voting system pursuant to this section by a board resolution. If the board authorizes online voting, the board must honor a unit owner's request to vote electronically at all subsequent elections, unless such unit owner opts out of online voting. The board resolution must provide that unit owners receive notice of the opportunity to vote through an online voting system, must establish reasonable procedures and deadlines for unit owners to consent, electronically or in writing, to online voting, and must establish reasonable procedures and deadlines for unit owners to opt out of online voting after giving consent. ~~Written notice of a meeting at which the resolution will be considered must be mailed, delivered, or electronically transmitted to the unit~~

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~~owners and posted conspicuously on the condominium property or
association property at least 14 days before the meeting.~~

~~Evidence of compliance with the 14-day notice requirement must
be made by an affidavit executed by the person providing the
notice and filed with the official records of the association.~~

(6) If at least 25 percent of the voting interests of a
condominium petition the board to adopt a resolution for
electronic voting for the next scheduled election, the board
must hold a meeting within 21 days after receipt of the petition
to adopt such resolution. The board must receive the petition
within 180 days after the date of the last scheduled annual
meeting.

(7)(a) Unless the association has adopted electronic
voting in accordance with subsections (1)-(6), the association
must designate an e-mail address for receipt of electronically
transmitted ballots. Electronically transmitted ballots must
meet all the requirements of this subsection.

(b) A unit owner may electronically transmit a ballot to
the e-mail address designated by the association without
complying with s. 718.112(2)(d)2. or the rules providing for the
secrecy of ballots adopted by the division. The association must
count completed ballots that are electronically transmitted to
the designated e-mail address, provided the completed ballot
complies with the requirements of this subsection.

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2098 (c) A ballot that is electronically transmitted to the
2099 association must include all of the following:

2100 1. A space for the unit owner to type in his or her unit
2101 number.

2102 2. A space for the unit owner to type in his or her first
2103 and last name, which also functions as the signature of the unit
2104 owner for purposes of signing the ballot.

2105 3. The following statement in capitalized letters and in a
2106 font size larger than any other font size used in the e-mail
2107 from the association to the unit owner:

2108
2109 WAIVING THE SECRECY OF YOUR BALLOT IS YOUR CHOICE. YOU DO
2110 NOT HAVE TO WAIVE THE SECRECY OF YOUR BALLOT IN ORDER TO
2111 VOTE. BY TRANSMITTING YOUR COMPLETED BALLOT THROUGH E-MAIL
2112 TO THE ASSOCIATION, YOU WAIVE YOUR SECRECY OF YOUR
2113 COMPLETED BALLOT. IF YOU DO NOT WISH TO WAIVE YOUR SECRECY
2114 BUT WISH TO PARTICIPATE IN THE VOTE THAT IS THE SUBJECT OF
2115 THIS BALLOT, PLEASE ATTEND THE IN-PERSON MEETING DURING
2116 WHICH THE MATTER WILL BE VOTED ON.

2117
2118 (d) A unit owner must transmit his or her completed ballot
2119 to the e-mail address designated by the association no later
2120 than the scheduled date and time of the meeting during which the
2121 matter is being voted on.

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(e) There is a rebuttable presumption that an association has reviewed all folders associated with the e-mail address designated by the association to receive ballots if a board member, an officer, or an agent of the association, or a manager licensed under part VIII of chapter 468, provides a sworn affidavit attesting to such review.

Section 13. Subsection (7) of section 718.203, Florida Statutes, is amended to read:

718.203 Warranties.—

(7) ~~Residential~~ Condominiums may be covered by an insured warranty program underwritten by a licensed insurance company registered in this state, provided that such warranty program meets the minimum requirements of this chapter; to the degree that such warranty program does not meet the minimum requirements of this chapter, such requirements shall apply.

Section 14. Subsection (1) of section 718.301, Florida Statutes, is amended to read:

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

(1) If unit owners other than the developer own 15 percent or more of the units in a condominium that will be operated ultimately by an association, the unit owners other than the developer are entitled to elect at least one-third of the members of the board of administration of the association. Unit owners other than the developer are entitled to elect at least a

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majority of the members of the board of administration of an association, upon the first to occur of any of the following events:

(a) Three years after 50 percent of the units that will be operated ultimately by the association have been conveyed to purchasers;

(b) Three months after 90 percent of the units that will be operated ultimately by the association have been conveyed to purchasers;

(c) When all the units that will be operated ultimately by the association have been completed, some of them have been conveyed to purchasers, and none of the others are being offered for sale by the developer in the ordinary course of business;

(d) When some of the units have been conveyed to purchasers and none of the others are being constructed or offered for sale by the developer in the ordinary course of business;

(e) When the developer files a petition seeking protection in bankruptcy;

(f) When a receiver for the developer is appointed by a circuit court and is not discharged within 30 days after such appointment, unless the court determines within 30 days after appointment of the receiver that transfer of control would be detrimental to the association or its members; or

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(g) Seven years after the date of the recording of the certificate of a surveyor and mapper pursuant to s. 718.104(4) (e) or the recording of an instrument that transfers title to a unit in the condominium which is not accompanied by a recorded assignment of developer rights in favor of the grantee of such unit, whichever occurs first; or, in the case of an association that may ultimately operate more than one condominium, 7 years after the date of the recording of the certificate of a surveyor and mapper pursuant to s. 718.104(4) (e) or the recording of an instrument that transfers title to a unit which is not accompanied by a recorded assignment of developer rights in favor of the grantee of such unit, whichever occurs first, for the first condominium it operates; or, in the case of an association operating a phase condominium created pursuant to s. 718.403, 7 years after the date of the recording of the certificate of a surveyor and mapper pursuant to s. 718.104(4) (e) or the recording of an instrument that transfers title to a unit which is not accompanied by a recorded assignment of developer rights in favor of the grantee of such unit, whichever occurs first.

The developer is entitled to elect at least one member of the board of administration of an association as long as the developer holds for sale in the ordinary course of business at least 5 percent, in condominiums with fewer than 500 units, and

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2196 2 percent, in condominiums with more than 500 units, of the
2197 units in a condominium operated by the association. After the
2198 developer relinquishes control of the association, the developer
2199 may exercise the right to vote any developer-owned units in the
2200 same manner as any other unit owner except for purposes of
2201 reacquiring control of the association or selecting the majority
2202 members of the board of administration. Beginning July 1, 2025,
2203 paragraphs (a), (c), (d), and (g) do not apply to nonresidential
2204 condominiums comprised of 10 or fewer units.

2205 **Section 15. Paragraphs (a) and (b) of subsection (1) of**
2206 **section 718.302, Florida Statutes, are amended to read:**

2207 718.302 Agreements entered into by the association.—

2208 (1) Any grant or reservation made by a declaration, lease,
2209 or other document, and any contract made by an association prior
2210 to assumption of control of the association by unit owners other
2211 than the developer, that provides for operation, maintenance, or
2212 management of a condominium association or property serving the
2213 unit owners of a condominium shall be fair and reasonable, and
2214 such grant, reservation, or contract may be canceled by unit
2215 owners other than the developer:

2216 (a) If the association operates only one condominium and
2217 the unit owners other than the developer have assumed control of
2218 the association, or if unit owners other than the developer own
2219 at least ~~not less than~~ 75 percent of the voting interests in the
2220 condominium or 90 percent of the voting interests if the

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condominium is a nonresidential condominium consisting of 10 or fewer units, the cancellation must ~~shall~~ be by concurrence of the owners of at least ~~not less than~~ 75 percent of the voting interests other than the voting interests owned by the developer. If a grant, reservation, or contract is so canceled and the unit owners other than the developer have not assumed control of the association, the association must ~~shall~~ make a new contract or otherwise provide for maintenance, management, or operation in lieu of the canceled obligation, at the direction of the owners of not less than a majority of the voting interests in the condominium other than the voting interests owned by the developer.

(b) If the association operates more than one condominium and the unit owners other than the developer have not assumed control of the association, and if unit owners other than the developer own at least 75 percent of the voting interests in the condominiums ~~a condominium~~ operated by the association or, beginning July 1, 2025, 90 percent of the voting interests if the condominium is a nonresidential condominium consisting of 10 or fewer units, any grant, reservation, or contract for maintenance, management, or operation of buildings containing the units in that condominium or of improvements used only by unit owners of that condominium may be canceled by concurrence of the owners of at least 75 percent, or 90 percent if the condominium is a nonresidential condominium consisting of 10 or

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fewer units, of the voting interests in the condominium other than the voting interests owned by the developer. ~~A~~ ~~No~~ grant, reservation, or contract for maintenance, management, or operation of recreational areas or any other property serving more than one condominium, and operated by more than one association, may not be canceled except pursuant to paragraph (d).

Section 16. Subsection (4) of section 718.407, Florida Statutes, is amended to read:

718.407 Condominiums created within a portion of a building or within a multiple parcel building.—

(4) (a) The association of a condominium subject to this section may inspect and copy the books and records upon which the costs for maintaining and operating the shared facilities are based, and must ~~to~~ receive an annual budget with respect to such costs.

(b) Within 60 days after the end of each fiscal year, the owner of a portion of a building that is not submitted to the condominium form of ownership must provide to the association a complete financial report of all costs for maintaining and operating the shared facilities. Such report must include copies of all receipts and invoices. If such owner fails to provide the report and copies of the receipts and invoices to the condominium association within the 60-day period, the division

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may impose penalties and otherwise enforce and ensure compliance with this subsection.

(c) Within 60 days after receipt of the financial report, the association may challenge any apportionment of costs for the maintenance and operation of the shared facilities. A challenge under this paragraph is governed by s. 720.311.

Section 17. Subsections (1) and (3) of section 718.501, Florida Statutes, are amended, and paragraph (d) is added to subsection (2) of that section, to read:

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

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

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Bill No. CS/HB 913 (2025)

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

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

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

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

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

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

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2319 7. The procedural completion of structural integrity
2320 reserve studies under s. 718.112(2)(g) and the milestone
2321 inspections conducted under s. 553.899.

2322 8. The completion of repairs required by a milestone
2323 inspection conducted under s. 553.899.

2324 ~~9.8.~~ Any written inquiries by unit owners to the
2325 association relating to such matters, including written
2326 inquiries under s. 718.112(2)(a)2.

2327 10. The requirement for associations to maintain an
2328 insurance policy or fidelity bond for all persons who control or
2329 disperse funds of the association under s. 718.111(11)(h).

2330 11. The board member education requirements under s.
2331 718.112(2)(d)5.b.

2332 12. The reporting requirements for structural integrity
2333 reserve studies under subsection (3) and s. 718.112(2)(g)12.

2334 (b)1. The division may make necessary public or private
2335 investigations within or outside this state to determine whether
2336 any person has violated this chapter or any rule or order
2337 hereunder, to aid in the enforcement of this chapter, or to aid
2338 in the adoption of rules or forms.

2339 2. The division may submit any official written report,
2340 worksheet, or other related paper, or a duly certified copy
2341 thereof, compiled, prepared, drafted, or otherwise made by and
2342 duly authenticated by a financial examiner or analyst to be
2343 admitted as competent evidence in any hearing in which the

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2344 financial examiner or analyst is available for cross-examination
2345 and attests under oath that such documents were prepared as a
2346 result of an examination or inspection conducted pursuant to
2347 this chapter.

2348 (c) The division may require or permit any person to file
2349 a statement in writing, under oath or otherwise, as the division
2350 determines, as to the facts and circumstances concerning a
2351 matter to be investigated.

2352 (d) For the purpose of any investigation under this
2353 chapter, the division director or any officer or employee
2354 designated by the division director may administer oaths or
2355 affirmations, subpoena witnesses and compel their attendance,
2356 take evidence, and require the production of any matter which is
2357 relevant to the investigation, including the existence,
2358 description, nature, custody, condition, and location of any
2359 books, documents, or other tangible things and the identity and
2360 location of persons having knowledge of relevant facts or any
2361 other matter reasonably calculated to lead to the discovery of
2362 material evidence. Upon the failure by a person to obey a
2363 subpoena or to answer questions propounded by the investigating
2364 officer and upon reasonable notice to all affected persons, the
2365 division may apply to the circuit court for an order compelling
2366 compliance.

2367 (e) Notwithstanding any remedies available to unit owners
2368 and associations, if the division has reasonable cause to

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2369 believe that a violation of any provision of this chapter or
2370 related rule has occurred, the division may institute
2371 enforcement proceedings in its own name against any developer,
2372 bulk assignee, bulk buyer, association, officer, or member of
2373 the board of administration, or its assignees or agents, as
2374 follows:

2375 1. The division may permit a person whose conduct or
2376 actions may be under investigation to waive formal proceedings
2377 and enter into a consent proceeding whereby orders, rules, or
2378 letters of censure or warning, whether formal or informal, may
2379 be entered against the person.

2380 2. The division may issue an order requiring the
2381 developer, bulk assignee, bulk buyer, association, developer-
2382 designated officer, or developer-designated member of the board
2383 of administration, developer-designated assignees or agents,
2384 bulk assignee-designated assignees or agents, bulk buyer-
2385 designated assignees or agents, community association manager,
2386 or community association management firm to cease and desist
2387 from the unlawful practice and take such affirmative action as
2388 in the judgment of the division carry out the purposes of this
2389 chapter. If the division finds that a developer, bulk assignee,
2390 bulk buyer, association, officer, or member of the board of
2391 administration, or its assignees or agents, is violating or is
2392 about to violate any provision of this chapter, any rule adopted
2393 or order issued by the division, or any written agreement

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2394 entered into with the division, and presents an immediate danger
2395 to the public requiring an immediate final order, it may issue
2396 an emergency cease and desist order reciting with particularity
2397 the facts underlying such findings. The emergency cease and
2398 desist order is effective for 90 days. If the division begins
2399 nonemergency cease and desist proceedings, the emergency cease
2400 and desist order remains effective until the conclusion of the
2401 proceedings under ss. 120.569 and 120.57.

2402 3. If a developer, bulk assignee, or bulk buyer fails to
2403 pay any restitution determined by the division to be owed, plus
2404 any accrued interest at the highest rate permitted by law,
2405 within 30 days after expiration of any appellate time period of
2406 a final order requiring payment of restitution or the conclusion
2407 of any appeal thereof, whichever is later, the division must
2408 bring an action in circuit or county court on behalf of any
2409 association, class of unit owners, lessees, or purchasers for
2410 restitution, declaratory relief, injunctive relief, or any other
2411 available remedy. The division may also temporarily revoke its
2412 acceptance of the filing for the developer to which the
2413 restitution relates until payment of restitution is made.

2414 4. The division may petition the court for appointment of
2415 a receiver or conservator. If appointed, the receiver or
2416 conservator may take action to implement the court order to
2417 ensure the performance of the order and to remedy any breach
2418 thereof. In addition to all other means provided by law for the

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2419 enforcement of an injunction or temporary restraining order, the
2420 circuit court may impound or sequester the property of a party
2421 defendant, including books, papers, documents, and related
2422 records, and allow the examination and use of the property by
2423 the division and a court-appointed receiver or conservator.

2424 5. The division may apply to the circuit court for an
2425 order of restitution whereby the defendant in an action brought
2426 under subparagraph 4. is ordered to make restitution of those
2427 sums shown by the division to have been obtained by the
2428 defendant in violation of this chapter. At the option of the
2429 court, such restitution is payable to the conservator or
2430 receiver appointed under subparagraph 4. or directly to the
2431 persons whose funds or assets were obtained in violation of this
2432 chapter.

2433 6. The division may impose a civil penalty against a
2434 developer, bulk assignee, or bulk buyer, or association, or its
2435 assignee or agent, for any violation of this chapter or related
2436 rule. The division may impose a civil penalty individually
2437 against an officer or board member who willfully and knowingly
2438 violates this chapter, an adopted rule, or a final order of the
2439 division; may order the removal of such individual as an officer
2440 or from the board of administration or as an officer of the
2441 association; and may prohibit such individual from serving as an
2442 officer or on the board of a community association for a period
2443 of time. The term "willfully and knowingly" means that the

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2444 division informed the officer or board member that his or her
2445 action or intended action violates this chapter, a rule adopted
2446 under this chapter, or a final order of the division and that
2447 the officer or board member refused to comply with the
2448 requirements of this chapter, a rule adopted under this chapter,
2449 or a final order of the division. The division, before
2450 initiating formal agency action under chapter 120, must afford
2451 the officer or board member an opportunity to voluntarily
2452 comply, and an officer or board member who complies within 10
2453 days is not subject to a civil penalty. A penalty may be imposed
2454 on the basis of each day of continuing violation, but the
2455 penalty for any offense may not exceed \$5,000. The division
2456 shall adopt, by rule, penalty guidelines applicable to possible
2457 violations or to categories of violations of this chapter or
2458 rules adopted by the division. The guidelines must specify a
2459 meaningful range of civil penalties for each such violation of
2460 the statute and rules and must be based upon the harm caused by
2461 the violation, upon the repetition of the violation, and upon
2462 such other factors deemed relevant by the division. For example,
2463 the division may consider whether the violations were committed
2464 by a developer, bulk assignee, or bulk buyer, or owner-
2465 controlled association, the size of the association, and other
2466 factors. The guidelines must designate the possible mitigating
2467 or aggravating circumstances that justify a departure from the
2468 range of penalties provided by the rules. It is the legislative

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

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2493 7. If a unit owner presents the division with proof that
2494 the unit owner has requested access to official records in
2495 writing by certified mail, and that after 10 days the unit owner
2496 again made the same request for access to official records in
2497 writing by certified mail, and that more than 10 days has
2498 elapsed since the second request and the association has still
2499 failed or refused to provide access to official records as
2500 required by this chapter, the division shall issue a subpoena
2501 requiring production of the requested records at the location in
2502 which the records are kept pursuant to s. 718.112. Upon receipt
2503 of the records, the division must provide to the unit owner who
2504 was denied access to such records the produced official records
2505 without charge.

2506 8. In addition to subparagraph 6., the division may seek
2507 the imposition of a civil penalty through the circuit court for
2508 any violation for which the division may issue a notice to show
2509 cause under paragraph (t). The civil penalty shall be at least
2510 \$500 but no more than \$5,000 for each violation. The court may
2511 also award to the prevailing party court costs and reasonable
2512 attorney fees and, if the division prevails, may also award
2513 reasonable costs of investigation.

2514 9. The division may issue citations and promulgate rules
2515 to provide for citation bases and citation procedures in
2516 accordance with this paragraph.

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2517 (f) The division may prepare and disseminate a prospectus
2518 and other information to assist prospective owners, purchasers,
2519 lessees, and developers of residential condominiums in assessing
2520 the rights, privileges, and duties pertaining thereto.

2521 (g) The division may adopt rules to administer and enforce
2522 this chapter.

2523 (h) The division shall establish procedures for providing
2524 notice to an association and the developer, bulk assignee, or
2525 bulk buyer during the period in which the developer, bulk
2526 assignee, or bulk buyer controls the association if the division
2527 is considering the issuance of a declaratory statement with
2528 respect to the declaration of condominium or any related
2529 document governing such condominium community.

2530 (i) The division shall furnish each association that pays
2531 the fees required by paragraph (2)(a) a copy of this chapter, as
2532 amended, and the rules adopted thereto on an annual basis.

2533 (j) The division shall annually provide each association
2534 with a summary of declaratory statements and formal legal
2535 opinions relating to the operations of condominiums which were
2536 rendered by the division during the previous year.

2537 (k) The division shall provide training and educational
2538 programs for condominium association board members and unit
2539 owners. The training may, in the division's discretion, include
2540 web-based electronic media and live training and seminars in
2541 various locations throughout the state. The division may review

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2542 and approve education and training programs for board members
2543 and unit owners offered by providers and shall maintain a
2544 current list of approved programs and providers and make such
2545 list available to board members and unit owners in a reasonable
2546 and cost-effective manner. The division shall provide the
2547 division-approved provider with the template certificate for
2548 issuance directly to the association's board of directors who
2549 have satisfactorily completed the requirements under s.
2550 718.112(2)(d). The division shall adopt rules to implement this
2551 section.

2552 (l) The division shall maintain a toll-free telephone
2553 number accessible to condominium unit owners.

2554 (m) The division shall develop a program to certify both
2555 volunteer and paid mediators to provide mediation of condominium
2556 disputes. The division shall provide, upon request, a list of
2557 such mediators to any association, unit owner, or other
2558 participant in alternative dispute resolution proceedings under
2559 s. 718.1255 requesting a copy of the list. The division shall
2560 include on the list of volunteer mediators only the names of
2561 persons who have received at least 20 hours of training in
2562 mediation techniques or who have mediated at least 20 disputes.
2563 In order to become initially certified by the division, paid
2564 mediators must be certified by the Supreme Court to mediate
2565 court cases in county or circuit courts. However, the division
2566 may adopt, by rule, additional factors for the certification of

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2567 paid mediators, which must be related to experience, education,
2568 or background. Any person initially certified as a paid mediator
2569 by the division must, in order to continue to be certified,
2570 comply with the factors or requirements adopted by rule.

2571 (n) If a complaint is made, the division must conduct its
2572 inquiry with due regard for the interests of the affected
2573 parties. Within 30 days after receipt of a complaint, the
2574 division shall acknowledge the complaint in writing and notify
2575 the complainant whether the complaint is within the jurisdiction
2576 of the division and whether additional information is needed by
2577 the division from the complainant. The division shall conduct
2578 its investigation and, within 90 days after receipt of the
2579 original complaint or of timely requested additional
2580 information, take action upon the complaint. However, the
2581 failure to complete the investigation within 90 days does not
2582 prevent the division from continuing the investigation,
2583 accepting or considering evidence obtained or received after 90
2584 days, or taking administrative action if reasonable cause exists
2585 to believe that a violation of this chapter or a rule has
2586 occurred. If an investigation is not completed within the time
2587 limits established in this paragraph, the division shall, on a
2588 monthly basis, notify the complainant in writing of the status
2589 of the investigation. When reporting its action to the
2590 complainant, the division shall inform the complainant of any
2591 right to a hearing under ss. 120.569 and 120.57. The division

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2592 may adopt rules regarding the submission of a complaint against
2593 an association.

2594 (o) Condominium association directors, officers, and
2595 employees; condominium developers; bulk assignees, bulk buyers,
2596 and community association managers; and community association
2597 management firms have an ongoing duty to reasonably cooperate
2598 with the division in any investigation under this section. The
2599 division shall refer to local law enforcement authorities any
2600 person whom the division believes has altered, destroyed,
2601 concealed, or removed any record, document, or thing required to
2602 be kept or maintained by this chapter with the purpose to impair
2603 its verity or availability in the department's investigation.
2604 The division shall refer to local law enforcement authorities
2605 any person whom the division believes has engaged in fraud,
2606 theft, embezzlement, or other criminal activity or when the
2607 division has cause to believe that fraud, theft, embezzlement,
2608 or other criminal activity has occurred.

2609 (p) The division director or any officer or employee of
2610 the division and the condominium ombudsman or any employee of
2611 the Office of the Condominium Ombudsman may attend and observe
2612 any meeting of the board of administration or any unit owner
2613 meeting, including any meeting of a subcommittee or special
2614 committee, which is open to members of the association for the
2615 purpose of performing the duties of the division or the Office
2616 of the Condominium Ombudsman under this chapter.

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(q) The division may:

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

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

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

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

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

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

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

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

(2)

(d) Each condominium association must create and maintain an online account with the division. Board members of each association must maintain accurate contact information on file with the division. The division shall adopt rules to implement this paragraph.

(3)(a) On or before October 1, 2025, all ~~January 1, 2023,~~ condominium associations must provide specified information in an electronic format determined by the division. The information in paragraphs (a), (b), and (c) must be updated within 15 days after any changes are made to the information. The information

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that must be provided to the division includes, but is not limited to:

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

1. The name of the association.

2. The mailing address of the association and the county in which the association is located.

3. The e-mail address and telephone number for the association.

4. The name, board title, and e-mail address for each member of the association's board of directors.

5. The name and contact information of the community association manager or community association management firm of the association, if applicable.

6. The name and contact information of each person or community association management firm responsible for remitting any payment to the division.

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

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

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2692 ~~1.—~~ The number of buildings on the condominium property and
2693 for each building the following information:

2694 1. The physical address of the building.

2695 2. The total number of stories in each building on the
2696 condominium property, including both habitable and uninhabitable
2697 stories that are three stories or higher in height.

2698 ~~3.2.~~ The total number of units in all such buildings.

2699 4. The age of each building on the property based on the
2700 association's certificate of occupancy.

2701 5. Any construction that was commenced on the common
2702 elements within the previous 12 months.

2703 (c) The association's assessments, including all of the
2704 following information:

2705 1. The amount of the assessments or special assessments,
2706 including for reserves, by unit type.

2707 2. The purpose of the assessments or special assessments.

2708 3. The name of the financial institution or institutions
2709 with which the association maintains accounts.

2710 (d) A copy of any structural integrity reserve study and
2711 any associated materials requested by the division, which must
2712 be provided within 5 business days after such request and in a
2713 manner prescribed by the division.

2714 ~~3.—~~ The addresses of all such buildings.

2715 ~~4.—~~ The counties in which all such buildings are located.

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

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

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

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

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

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

Section 18. Paragraph (d) of subsection (1) and paragraphs (d) and (e) of subsection (2) of section 718.503, Florida Statutes, are amended to read:

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

(1) DEVELOPER DISCLOSURE.—

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

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

1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE INSPECTOR- PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF

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2766 THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION
2767 718.301(4) (p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A
2768 COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY
2769 RESERVE STUDY DESCRIBED IN SECTIONS 718.103 ~~718.103(26)~~ AND
2770 718.112(2) (g), FLORIDA STATUTES, IF APPLICABLE, MORE THAN 15
2771 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, PRIOR TO
2772 EXECUTION OF THIS CONTRACT; or ~~and~~

2773 2. A clause which states: THIS AGREEMENT IS VOIDABLE BY
2774 BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO
2775 CANCEL WITHIN 15 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL
2776 HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE
2777 BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE INSPECTOR-
2778 PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED
2779 IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF
2780 THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION
2781 718.301(4) (p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A
2782 COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY
2783 RESERVE STUDY DESCRIBED IN SECTIONS 718.103 ~~718.103(26)~~ AND
2784 718.112(2) (g), FLORIDA STATUTES, IF APPLICABLE. ANY PURPORTED
2785 WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER
2786 MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 15
2787 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER
2788 THE BUYER RECEIVES A CURRENT COPY OF THE INSPECTOR-PREPARED
2789 SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN
2790 SECTION 553.899, FLORIDA STATUTES; A COPY OF THE TURNOVER

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

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

(2) NONDEVELOPER DISCLOSURE.—

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

1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES
THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE DECLARATION
OF CONDOMINIUM, ARTICLES OF INCORPORATION OF THE ASSOCIATION,
BYLAWS AND RULES OF THE ASSOCIATION, A COPY OF THE MOST RECENT
ANNUAL FINANCIAL STATEMENT AND ANNUAL BUDGET, A COPY OF ALL
CURRENT LINE OF CREDIT AGREEMENTS AND LINE OF CREDIT LOAN
DOCUMENTS, A COPY OF ALL ASSESSMENTS FROM THE PREVIOUS 2 YEARS,
AND A COPY OF THE FREQUENTLY ASKED QUESTIONS AND ANSWERS
DOCUMENT MORE THAN 3 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND
LEGAL HOLIDAYS, PRIOR TO EXECUTION OF THIS CONTRACT; or

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

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2839 A contract that does not conform to the requirements of this
2840 paragraph is voidable at the option of the purchaser before
2841 ~~prior to~~ closing.

2842 (e) If the association is required to have completed a
2843 milestone inspection as described in s. 553.899, a turnover
2844 inspection report for a turnover inspection performed on or
2845 after July 1, 2023, or a structural integrity reserve study, and
2846 the association has not completed the milestone inspection, the
2847 turnover inspection report, or the structural integrity reserve
2848 study, each contract entered into after December 31, 2024, for
2849 the sale of a residential unit shall contain in conspicuous type
2850 a statement indicating that the association is required to have
2851 a milestone inspection, a turnover inspection report, or a
2852 structural integrity reserve study and has not completed such
2853 inspection, report, or study, as appropriate. If the association
2854 is not required to have a milestone inspection as described in
2855 s. 553.899 or a structural integrity reserve study, each
2856 contract entered into after December 31, 2024, for the sale of a
2857 residential unit shall contain in conspicuous type a statement
2858 indicating that the association is not required to have a
2859 milestone inspection or a structural integrity reserve study, as
2860 appropriate. If the association has completed a milestone
2861 inspection as described in s. 553.899, a turnover inspection
2862 report for a turnover inspection performed on or after July 1,
2863 2023, or a structural integrity reserve study, each contract

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

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

2. A clause which states: THIS AGREEMENT IS VOIDABLE BY BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO CANCEL WITHIN 3 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE INSPECTOR- PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION 718.301(4) (p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS 718.103 ~~718.103(26)~~ AND 718.112(2) (g), FLORIDA STATUTES, IF APPLICABLE. ANY PURPORTED

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WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 3 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE BUYER RECEIVES A CURRENT COPY OF THE INSPECTOR-PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN SECTION 553.899, FLORIDA STATUTES; A COPY OF THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION 718.301(4) (p) AND (q), FLORIDA STATUTES; OR A COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS 718.103 ~~718.103(26)~~ AND 718.112(2) (g), FLORIDA STATUTES, IF REQUESTED IN WRITING. BUYER'S RIGHT TO VOID THIS AGREEMENT SHALL TERMINATE AT CLOSING.

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

Section 19. Section 31 of chapter 2024-244, Laws of Florida, is amended to read:

Section 31. The amendments made to ss. 718.103(14) and 718.202(3) and s. 718.407(1), (2), and (6), Florida Statutes, as created by this act, are intended to clarify existing law and shall apply retroactively. However, such amendments do not revive, ~~or~~ reinstate, or retroactively apply to any right or interest of a condominium unit owner or condominium association

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in a matter pending adjudication ~~that has been fully and finally~~
~~adjudicated as invalid~~ before October 1, 2024.

**Section 20. Subsection (3) of section 914.21, Florida
Statutes, is amended to read:**

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

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

Section 21. Except as otherwise provided in this act, this
act shall take effect July 1, 2025.

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

Remove everything before the enacting clause and insert:

A bill to be entitled

An act relating to condominium associations; creating
s. 163.212, F.S.; providing definitions; requiring
certain local governments to confirm by a specified
date whether a structural integrity reserve study and
milestone inspection have been completed for certain
buildings and if the study and inspection report has

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2938 | been filed with the Florida Division of Condominiums,
2939 | Timeshares, and Mobile Homes; requiring each local
2940 | government to submit a certain report to the division
2941 | by a specified date; amending s. 553.899, F.S.;
2942 | requiring local enforcement agencies to provide
2943 | specified information to the Department of Business
2944 | and Professional Regulation by a specified date and
2945 | annually thereafter; requiring the department to
2946 | provide certain information to the Office of Program
2947 | Policy and Government Accountability (OPPAGA);
2948 | authorizing OPPAGA to request additional information;
2949 | amending s. 718.103, F.S.; revising the definition of
2950 | the term "alternative funding method"; amending s.
2951 | 718.110, F.S.; providing that the declaration of a
2952 | nonresidential condominium may be amended to change
2953 | certain provisions if all affected record owners join
2954 | in the execution of such amendment; requiring certain
2955 | documents to be served at a unit owner's address as
2956 | reflected in the association's official records;
2957 | amending s. 718.111, F.S.; requiring, rather than
2958 | authorizing, an association to provide adequate
2959 | insurance coverage; revising the requisite intent
2960 | necessary for criminal penalties; requiring
2961 | associations to maintain the most recent annual
2962 | financial statement and annual budget on the

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2963 condominium property; removing the requirement for an
2964 association to provide a unit owner specified notice
2965 that the most updated financial report will be
2966 provided to the unit owner upon request; providing
2967 legislative findings; authorizing the board of an
2968 association to levy special assessments and obtain
2969 loans for certain purposes without approval of the
2970 membership; providing applicability; requiring an
2971 association to post the adopted minutes of certain
2972 meetings and certain information relating to
2973 assessments and special assessments on the
2974 association's website or application; amending s.
2975 718.112, F.S.; authorizing an association to adopt
2976 written reasonable rules governing unit owner
2977 questions at a meeting; authorizing an association
2978 operating a nonresidential condominium to provide for
2979 different voting and election procedures; revising the
2980 dollar amount of the deferred maintenance expense or
2981 replacement cost threshold; authorizing members to
2982 waive the maintenance of reserves if the total voting
2983 interests of the association have voted to terminate
2984 the condominium; authorizing the board of an
2985 association to pause or reduce contributions to its
2986 reserves without requiring approval from the members
2987 of the association; authorizing a majority of the

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2988 total voting interests of certain associations to
2989 approve the provision of a specified line of credit to
2990 be used for certain purposes; requiring an association
2991 to provide specified notice to its members before
2992 voting to secure a line of credit; requiring the
2993 department to adopt rules; providing that an
2994 association may create reserve accounts in accordance
2995 with the most recent structural integrity reserve
2996 study without a vote of the members; authorizing an
2997 association's reserve accounts to be pooled; requiring
2998 a structural integrity reserve study for buildings
2999 that have at least three habitable stories; revising
3000 the dollar amount of the deferred maintenance expense
3001 or replacement cost threshold; requiring certain
3002 expenses or costs to be modified annually; requiring
3003 the department to post revised expenses or costs on
3004 its website by a specified date; specifying that a
3005 conflict of interest exists if the person conducting a
3006 structural integrity reserve study or milestone
3007 inspection provides or contracts to provide repair or
3008 replacement services on certain property; revising
3009 applicability; requiring officers and directors to
3010 sign a specified affidavit; requiring the department
3011 to initiate rulemaking by a specified date for certain
3012 purposes; prohibiting the suspension of a voting

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3013 interest of a condominium when voting to recall a
3014 member of the board of administration; prohibiting any
3015 prior suspension of voting rights from having any
3016 effect; removing certain provisions relating to the
3017 method for recalling members of the board; requiring
3018 that a recall agreement be served on the association
3019 by registered mail, rather than by certified mail or
3020 by personal service; providing that service must be
3021 provided in a specified manner to be valid; providing
3022 that a rejection of a unit owner's recall agreement
3023 applies under certain circumstances; providing that
3024 there is a rebuttable presumption that a unit owner
3025 executing a recall agreement is the designated voter
3026 for the unit; prohibiting an association from
3027 enforcing a voting certificate requirement under
3028 certain circumstances; requiring that a rescission or
3029 revocation of a unit owner's recall agreement be in
3030 writing and delivered to the association before an
3031 association is served with the written recall
3032 agreement; providing construction; revising the
3033 timeframe in which a certain petition or action must
3034 be filed; requiring that an association be named as
3035 the respondent in such petition or action; revising
3036 the timeframe in which the Division of Florida
3037 Condominiums, Timeshares, and Mobile Homes or a court

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3038 may not accept a recall petition or a court action;
3039 providing that a director or an officer is delinquent
3040 if payment is not made by a specified due date
3041 identified in the declarations, bylaws, or articles of
3042 incorporation; providing that a payment is delinquent
3043 on the first day of the assessment period if no
3044 specified due date is in the declarations, bylaws, or
3045 articles of incorporation; amending s. 718.113, F.S.;
3046 requiring the board to determine whose responsibility
3047 it is to pay for removal or reinstallation of
3048 hurricane protection; removing authorization for an
3049 association to enforce and collect certain charges as
3050 assessments; amending s. 718.116, F.S.; providing
3051 legislative findings; authorizing the board of an
3052 association to levy special assessments for certain
3053 purposes without approval of the membership; providing
3054 applicability; amending s. 718.117, F.S.; authorizing
3055 termination of a condominium if the estimated costs of
3056 replacement, in addition to certain construction or
3057 repair costs, exceed the estimated fair market value
3058 of the units; requiring approval for termination of a
3059 condominium by a specified percentage of the voting
3060 interests under certain circumstances; removing
3061 provision prohibiting a plan of termination if a
3062 certain percentage of the total voting interests

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3063 reject the plan; specifying how members can reject a
3064 plan of termination; providing that certain provisions
3065 relating to a plan of termination apply to residential
3066 condominiums only; requiring a plan of termination to
3067 be approved by the division; authorizing condominiums
3068 to amend their declarations by a specified vote to
3069 include certain provisions of statutory law; providing
3070 additional reasons a unit owner or lienor can contest
3071 the apportionment of proceed from a sale of the
3072 condominium; amending s. 718.1255, F.S.; providing
3073 requirements for bringing an action to challenge an
3074 election or a recall; authorizing certain persons to
3075 file a notice of removal and complaint in circuit
3076 court within a specified timeframe after service of a
3077 petition to arbitrate an election or recall disputes;
3078 barring actions that are not timely filed and
3079 rendering the arbitration decision final; providing
3080 requirements for filing a notice of removal and
3081 complaint and bringing an action to challenge the
3082 arbitration decision; specifying the sole method in
3083 which the division or court may award costs and
3084 attorney fees in a dispute involving the recall of a
3085 director; amending s. 718.128, F.S.; removing a
3086 requirement for written notice of certain meetings;
3087 requiring, after a specified percentage of voting

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interests adopts a resolution, a board to hold a meeting within a certain timeframe; requiring a board to receive a petition to adopt a resolution within a certain timeframe; requiring an association to have a designated e-mail address for receipt of ballots transmitted electronically; providing requirements for electronically transmitting a ballot; providing a presumption; amending s. 718.203, F.S.; providing that all condominiums, not just residential, can be covered by an insured warranty program; amending s. 718.301, F.S.; providing that certain provisions of law relating to transfer of control of an association do not apply to certain residential condominiums beginning on a specified date; amending s. 718.302, F.S.; providing that if unit owners own a specified percentage of voting interests in certain condominiums that certain agreements may be cancelled by the unit owners; amending s. 718.407, F.S.; requiring that a specified report be provided to an association within a certain amount of time after the end of the fiscal year; requiring copies of receipts and invoices be included with the report; authorizing the division to impose penalties under certain circumstances; authorizing an association to challenge the apportionment of certain costs of the shared

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3113 facilities within a certain amount of time; providing
3114 construction; amending s. 718.501, F.S.; authorizing
3115 the division to review records and investigate certain
3116 complaints; requiring each association to create and
3117 maintain an online account with the division with
3118 specified information; requiring the division to adopt
3119 rules; requiring associations to provide specified
3120 information in electronic format to the division by a
3121 specified date; requiring such information be updated
3122 within a specified timeframe; removing requirements
3123 for certain information to be provided to the
3124 division; amending s. 718.503, F.S.; revising
3125 specified notices; requiring a developer or unit owner
3126 to provide one notice, instead of two, to a buyer
3127 before the sale of a unit; requiring a unit owner to
3128 provide the most recent annual financial statement and
3129 annual budget to a buyer before the sale of a unit;
3130 amending ch. 2024-244, Laws of Florida; providing that
3131 certain amendments that were made to the Condominium
3132 Act do not revive, reinstate, or retroactively apply
3133 to a right or interest of a condominium unit owner or
3134 condominium association in a matter pending
3135 adjudication before a specified date; amending s.
3136 914.21, F.S.; revising the definition of the term
3137 "official investigation"; providing effective dates.

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