

FLORIDA HOUSE OF REPRESENTATIVES

FINAL BILL ANALYSIS

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BILL #: [CS/CS/HB 913](#)

TITLE: Condominium Associations

SPONSOR(S): Lopez, V.

COMPANION BILL: [CS/CS/SB 1742](#) (Bradley)

LINKED BILLS: None

RELATED BILLS: None

FINAL HOUSE FLOOR ACTION: 112 Y's

0 N's

GOVERNOR'S ACTION:

Pending

SUMMARY

Effect of the Bill:

The bill amends requirements relating to structural integrity reserve studies (SIRS), milestone inspections, and condominium and cooperative association governance and management. The bill:

- Extends the deadline for certain associations to have a SIRS completed by December 31, 2025, rather than December 31, 2024.
- Allows an association, subject to certain requirements and limitations, to utilize special assessments, lines of credit, or loans to fund reserves; to pool reserve accounts; to use a baseline funding plan for its reserve funding schedule; to invest reserve funds in certificates of deposit or depository accounts without a vote of the unit owners; and to conduct board and unit owner meetings via video conference.
- Allows all multicondominium associations to use an approved alternative funding method to satisfy reserve funding obligations.
- Requires local enforcement agencies to annually submit to the Department of Business and Professional Regulation certain information relating to association compliance with milestone inspection requirements.
- Creates additional requirements relating to the licensure and regulation of community association managers and community association management firms.
- Prohibits any design professional or contractor from having an interest in a firm or entity providing a milestone inspection for an association, unless the interest is disclosed.

Fiscal or Economic Impact:

The bill has an indeterminate impact on local governments and the private sector.

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ANALYSIS

EFFECT OF THE BILL:

Community Association Managers and Community Association Management Firms

The bill prohibits a person who has had his or her community association manager (CAM) license revoked from having an indirect or direct ownership interest in, or be an employee, partner, officer, director, or trustee of, a community association management firm (CAM firm) during the 10-year period after the effective date of the revocation. The bill specifies such persons are ineligible to reapply for certification or registration for a period of 10 years after the effective date of the revocation. (Section [1](#).)

The bill requires every CAM licensee to:

- Create and maintain an online licensure account with the [Department of Business and Professional Regulation](#) (DBPR).
- Identify on his or her online licensure account the CAM firm for which he or she provides management services and identify each community association for which he or she is the designated onsite CAM.
- Update his or her online licensure account with the above information within 30 days after any change to the required information. (Section [1](#).)

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The bill requires every CAM firm to identify on its online licensure account each CAM under its employment. If a CAM has his or her license suspended or revoked, the bill requires DBPR to give written notice of such suspension or revocation to the CAM firm and the community association for which the CAM performs management services. (Section [1](#).)

Additionally, the bill:

- Prohibits a CAM or CAM firm from knowingly performing any act directed by a community association if the act violates any state or federal law.
- Requires each contract between a community association and CAM or CAM firm to include the following written statement:¹ “The community association manager shall abide by all professional standards and record keeping requirements imposed pursuant to part VIII of chapter 468, Florida Statutes.”²
- Prohibits a contract between a CAM or CAM firm and a community association from waiving or limiting the professional practice standards for CAMs or CAM firms.³
- Specifies that a CAM or CAM firm must post on each association’s website for which it provides management services the name and contact information for each CAM or CAM firm representative assigned to the association, the manager’s or representative’s hours of availability, and a summary of the duties for which the manager or representative is responsible; however, this requirement **only applies** if the association is required to maintain official records on a website or application.⁴ (Section [2](#).)

Conflicts of Interest: CAMs and CAM Firms

The bill specifies that a rebuttable presumption of a conflict of interest exists if, without prior notice to the board of an association, a CAM or CAM firm (including directors, officers, and persons with a financial interest in a CAM firm, or a relative of such person):

- Proposes to enter into a contract or other transaction with the association, or enters into a contract for goods or services with the association, **for services other than community association management services**.
- Holds an interest in or receives compensation⁵ from **a person as defined in [s. 1.01\(3\), F.S.](#)**⁶ which conducts business with, or proposes to enter into a contract or other transaction with, the association. (Section [3](#).)

Under the bill, if an association receives and considers a bid that exceeds \$2,500 for a good or service other than community association management services **which is or may reasonably be construed to be a conflict of interest described above**, the association must solicit multiple bids from other third-party providers of such goods or services. This requirement does not apply to any activity or provision of goods or services that are disclosed in a management services contract as a conflict of interest. (Section [3](#).)

For each meeting at which an association’s board will consider a proposed activity which is or may be a potential conflict of interest, the bill requires the meeting notice to:

- Include a description of the proposed activity.
- Disclose the possible conflict of interest.

¹ The bill specifies the statement must be written in 12-point font. The requirement to include the statement only applies if the statement is applicable to the type of management services provided under the contract. (Section [2](#).)

² [Part VIII of chapter 468, F.S.](#), governs the licensure and regulation of CAMs and CAM firms.

³ Specifically, [part VIII of chapter 468, F.S.](#) *Supra* note 2.

⁴ Currently, every association that manages a condominium with **150 or more units** which does not contain timeshare units must post digital copies of the documents specified in [s. 718.111\(12\)\(g\)2., F.S.](#), on its website or make such documents available through an application that can be downloaded on a mobile device. See [s. 718.111\(12\)\(g\)1., F.S.](#) Effective January 1, 2026, the requirement to post digital copies of the documents specified in [s. 718.111\(12\)\(g\)2., F.S.](#), applies to associations that manage a condominium with **25 or more units** which does not contain timeshare units. See [s. 8 of ch. 2024-244, Laws of Fla.](#), amending [s. 718.111\(12\)\(g\), F.S.](#), effective January 1, 2026, as amended by this bill. (Section [18](#).)

⁵ “Compensation” means any referral fee or other monetary benefit derived from a person as defined in [s. 1.01\(3\), F.S.](#), which provides products or services to the association, and any ownership interests or profit-sharing arrangements with product or service providers recommended to or used by the association. (Section [3](#).)

⁶ The word “person” includes individuals, children, firms, associations, joint ventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations, and all other groups or combinations. [S. 1.01\(3\), F.S.](#)

- Include a copy of all contracts and transactional documents related to the proposed activity. (Section [3](#).)

The bill removes the requirement to disclose the existence of an actual or potential conflict of interest and any related contract or other transactional document to the members of an association at the next regular or special meeting of the members. (Section [3](#).)

If an association's board finds that a CAM or CAM firm (including directors, officers, and persons with a financial interest in a CAM firm, or a relative of such persons) has violated any of the above provisions, the bill specifies the management services contract is voidable by the association and may be terminated by delivering written notice of such termination. The bill removes the requirement to obtain the prior approval of 20 percent of an association's voting interests before an association may terminate such a contract. (Section [3](#).)

Florida's Condominium Laws: CAMs and CAM Firms

The bill amends Florida's condominium laws to clarify that all CAMs and CAM firms that enter into a contract with a condominium association must possess all applicable licenses required by [part VIII of chapter 468, F.S.](#)⁷ Under the bill, the board members or officers of an association have a duty to ensure that a CAM or CAM firm is properly licensed before entering into a contract with such CAM or CAM firm for management services. (Section [7](#).)

If a CAM has his or her license suspended or revoked during the term of a contract with an association, the bill specifies the association may terminate the contract upon delivery of a written notice to the CAM whose license was revoked or suspended, effective on the date the CAM became unlicensed. Similarly, if a CAM firm has its license suspended or revoked during the term of a contract, the association may terminate that contract upon delivery of a written notice to that CAM firm, effective on the date the CAM firm became unlicensed. (Section [7](#).)

Milestone Inspections

The bill requires milestone inspections for condominium buildings that are three ***habitable*** stories or more in height, as determined by the Florida Building Code and which are subject, in whole or in part, to the condominium or cooperative form of ownership. (Section [4](#).)

The bill requires, rather than authorizes, every local government⁸ to adopt an ordinance requiring that a condominium or cooperative association, and any other owner that is subject to the milestone inspection requirements, schedule or commence repairs for substantial structural deterioration within a specified timeframe after the local enforcement agency receives a phase two inspection report. (Section [4](#).)

Conflicts of Interest: Milestone Inspections

The bill requires each licensed architect or engineer who bids to perform a milestone inspection to disclose in writing to an association his or her intent to bid on any services related to any maintenance, repair, or replacement which may be recommended by the milestone inspection. (Section [4](#).)

The bill prohibits any design professional⁹ or licensed contractor¹⁰ who submits a bid to an association to perform services recommended by a milestone inspection from having any interest, directly or indirectly, in the firm or entity providing the milestone inspection, or be a relative¹¹ of any person having an interest, directly or indirectly, in such firm, unless the relationship is disclosed to the association in writing. (Section [4](#).)

Under the bill, a contract for services is voidable and terminates upon an association filing a written notice of termination if a design professional or licensed contractor failed to provide the written disclosure of a relationship

⁷ *Supra* note 2.

⁸ Local government means any county or municipality. See [s. 163.3164\(29\), F.S.](#)

⁹ "Design professional" means a person, as defined in [s. 1.01\(3\), F.S.](#), who is licensed in Florida as an architect, landscape architect, engineer, surveyor, or geologist or who is a registered interior designer, as defined in [s. 481.203, F.S.](#) See [s. 558.002\(7\), F.S.](#) See also, *supra* note 6.

¹⁰ Specifically, contractors licensed under [ch. 489, F.S.](#), which governs the licensure and regulation of construction contractors, electrical and alarm system contractors, and septic tank contractors in the state.

¹¹ "Relative" means a relative within the third degree of consanguinity by blood or marriage. (Section [4](#).)

pursuant to the above provisions. The bill further specifies a design professional or licensed contractor may be subject to discipline under the applicable laws for his or her profession for failure to provide written disclosure of any such relationship. (Section [4](#).)

Annual Reporting Requirements: Milestone Inspections

By December 31, 2025, and December 31 each year thereafter, the bill requires every local enforcement agency¹² responsible for milestone inspections to provide to DBPR, in an electronic format determined by DBPR, information that must include, but is not limited to:

- The number of buildings required to have a milestone inspection within the local enforcement agency's jurisdiction.
- The number of buildings for which a phase one milestone inspection has been completed.
- The number of buildings granted an extension of time by which to complete the building's initial milestone inspection.
- The number of buildings required to have a phase two milestone inspection.
- The number of buildings for which a phase two milestone inspection has been completed.
- The number, type, and value of permits applied for to complete repairs based on a phase two milestone inspection.
- A list of buildings deemed to be unsafe or uninhabitable as determined by a milestone inspection.
- The license number of the building code administrator responsible for milestone inspections for the local enforcement agency. (Section [4](#).)

The bill requires DBPR to provide to the Office of Program Policy Analysis and Government Accountability (OPPAGA) all information obtained from the local enforcement agencies pursuant to the above provisions by a date specified, and in a manner prescribed, by OPPAGA. OPPAGA may request from a local enforcement agency any additional information necessary to compile the report and provide it to the President of the Senate and the Speaker of the House of Representatives. (Section [4](#).)

Alternative Funding Method

The bill amends the definition of "alternative funding method" under Florida's condominium laws to mean a method approved by DBPR's [Division of Condominiums, Timeshares, and Mobile Homes](#) (Division) for funding the capital expenditures and deferred maintenance obligations for a multicondominium association, instead of only multicondominium associations operating at least 25 condominiums, which may reasonably be expected to fully satisfy the association's reserve funding obligations by the allocation of funds in the annual operating budget. (Section [5](#).)

Video Conference: Board Meetings and Member Meetings

The bill allows a board meeting of an association to be conducted in person or by video conference. If a board meeting is to be conducted via video conference, the meeting notice must state that such meeting will be via video conference and must include a hyperlink and conference telephone number for unit owners to attend the meeting via video conference. The notice must also provide the address of a physical location where unit owners can attend the meeting in person. Meetings conducted via video conference must be recorded, and the recordings must be maintained as an official record of the association. (Section [8](#).)

The bill also allows unit owner meetings, including the annual meeting of unit owners, to be conducted in person or via video conference. If the annual meeting of the members is conducted via video conference, a quorum of the members of the board must be physically present at a physical location where unit owners can attend the meeting in person. Such location must be provided in an association's bylaws; but if the bylaws do not provide the location, the meeting must be held within 15 miles of the condominium property or within the same county as the condominium property. Further, if the unit owner meeting is conducted via video conference, the meeting must be

¹² "Local enforcement agency" means an agency of local government, a local school board, a community college board of trustees, or a university board of trustees in the State University System with jurisdiction to make inspections of buildings and to enforce the codes which establish standards for design, construction, erection, alteration, repair, modification, or demolition of public or private buildings, structures, or facilities. [S. 553.71\(5\), F.S.](#)

recorded and maintained as an official record of the association. The bill specifies that unit owners may vote electronically during meetings conducted via video conference. (Section [8](#).)

The bill defines “video-conference” as a real-time audio and video-based meeting between two or more people in different locations using video-enabled and audio-enabled devices. (Section [5](#).)

Miscellaneous

The bill removes the requirement for a meeting notice and agenda to be broadcast on a closed-circuit television system at least four times every broadcast hour of each day that a posted notice is otherwise required, if a broadcast notice is used in lieu of a notice posted physically on the condominium property. (Section [8](#).)

The bill requires the Division to adopt rules governing the requirements for member meetings and board meetings. (Section [8](#).)

Budget Meetings

The bill allows a meeting of the board or unit owners at which a proposed annual budget will be considered to be conducted via video conference. The bill requires:

- The Division to adopt rules governing the requirements for such meetings.
- A sound transmitting device to be used so that the conversation of members may be heard by the board, committee members, or other members attending in person.

The bill specifies that if a board proposes in any fiscal year an annual budget that requires assessments against unit owners which exceed 115 percent of assessments for the preceding fiscal year, the board must simultaneously propose a substitute budget that does not include any discretionary expenditures that are not required to be in the budget. Additionally, the bill requires:

- The substitute budget to be proposed at the budget meeting before the adoption of the annual budget.
- The board to deliver to each unit owner, at least 14 days before a budget meeting at which a substitute budget will be proposed, a notice of the meeting at which the annual budget or substitute budget, as applicable, will be considered. (Section [8](#).)

The bill requires, rather than authorizes, unit owners to consider a substitute budget at a special meeting, and allows unit owners to adopt such a budget at the special meeting. Under the bill, if a substitute budget is not adopted, the annual budget initially proposed by the board may be adopted. (Section [8](#).)

Reserves

The bill requires any determination of whether assessments exceed 115 percent of assessments for the prior fiscal year to exclude any authorized provision for required, rather than reasonable, reserves for the following:

- Repair or replacement of the condominium property.
- Anticipated expenses of the association which the board does not expect to be incurred on a regular or annual basis for the repair, maintenance, or replacement of the structural integrity reserve items.
- Insurance premiums. (Section [8](#).)

The bill specifies that the reserve accounts included in an annual budget for capital expenditures and deferred maintenance must include, but are not limited to, roof replacement, building painting, and pavement resurfacing, and any other item that has a deferred maintenance expense or replacement cost that ***exceeds \$25,000 (rather than \$10,000) or the inflation-adjusted amount determined by the Division, as provided under the bill, whichever is greater.*** (Section [8](#) for condominium associations; Section [21](#) for cooperative associations.)

If an association votes to terminate a condominium, the bill allows members of the association to waive the maintenance of reserves recommended by the association’s most recent structural integrity reserve study (SIRS). (Section [8](#).)

The bill allows reserves for SIRS items to be funded by regular assessments, special assessments, liens of credit, or loans. However, a special assessment, line of credit, or loan pursuant to this provision requires the approval of a

majority vote of the total voting interests of the association. (Section [8](#) for condominium associations; Section [21](#) for cooperative associations.)

If an association secures a line of credit or a loan to fund capital expenditures required by a milestone inspection or SIRS, the bill requires:

- The line of credit or loan to be sufficient to fund the cumulative amount of any previously waived or unfunded portions of the reserve funding amount required and the most recent SIRS.
- Funding from the line of credit or loan to be immediately available for access by the board to fund required repair, maintenance, or replacement expenses without further approval by the members of the association.
- A special assessment, line of credit, or loan secured pursuant to these provisions and related information to be included in the annual financial statement that associations are required to provide to unit owners and prospective purchasers of a unit. (Section [8](#) for condominium associations; Section [21](#) for cooperative associations.)

The bill specifies the above provisions do not apply to associations controlled by a developer, an association in which the nondeveloper unit owners have been in control for less than 1 year, or an association controlled by one or more bulk assignees or bulk buyers. (Section [8](#) for condominium associations; Section [21](#) for cooperative associations.)

The bill allows a board of an association to pause contributions to its reserves, without obtaining the prior approval of a majority of its members, if a local building official determines that a condominium building is [uninhabitable due to a natural emergency](#).¹³ (Section [8](#) for condominium associations; Section [21](#) for cooperative associations.)

For a budget adopted on or before December 31, 2028, if an association has completed a milestone inspection within the previous 2 calendar years, the bill allows a board, upon the approval of a majority of the total voting interests of the association, to temporarily pause, for a period of no more than two consecutive annual budgets, reserve fund contributions or reduce the amount of reserve funding for the purpose of funding repairs recommended by the milestone inspection. These provisions do not apply to an association controlled by a developer, an association in which the nondeveloper unit owners have been in control for less than 1 year, or an association controlled by one or more bulk assignees or bulk buyers. The bill requires an association that has paused reserve contributions to have a SIRS performed before the continuation of reserve contributions in order to determine the association's reserve funding needs and to recommend a reserve funding plan. (Section [8](#) for condominium associations; Section [21](#) for cooperative associations.)

The bill authorizes an association to pool reserve accounts for two or more required SIRS items. The bill requires that 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 SIRS. The bill also provides a vote of the members is not required for the board to change the accounting method for reserves to a pooled accounting method or a straight-line accounting method. (Section [8](#) for condominium associations; Section [21](#) for cooperative associations.)

The bill requires the Division to annually adjust for inflation, based on the Consumer Price Index for All Urban Consumers released in January of each year, the minimum \$25,000 threshold amount for required reserves. By February 1, 2026, and annually thereafter, the bill requires the Division to conspicuously post on its website the inflation-adjusted minimum threshold amount for required reserves. (Section [8](#) for condominium associations; Section [21](#) for cooperative associations.)

Structural Integrity Reserve Studies

The bill makes condominium properties that are three *habitable* stories or more in height subject to SIRS requirements. (Section [8](#) for condominium associations; Section [21](#) for cooperative associations.)

¹³ Natural emergency means an emergency caused by a natural event, including, but not limited to, a hurricane, storm, flood, severe wave action, drought, or earthquake. [S. 252.34\(8\), F.S.](#)

The bill increases the threshold for non-specified items that must be included in the SIRS from \$10,000 to \$25,000, or the inflation-adjusted amount determined by the Division, whichever is greater. (Section [8](#) for condominium associations; Section [21](#) for cooperative associations.)

The bill specifies that, at a minimum, an association's SIRS must include a recommendation for a reserve funding schedule based on a baseline funding plan that provides a reserve funding goal in which the reserve funding for each budget year is sufficient to maintain the reserve cash balance above zero. The bill also allows a SIRS to recommend other types of reserve funding schedules, provided that each recommended schedule is sufficient to meet the association's maintenance obligation. (Section [8](#) for condominium associations; Section [21](#) for cooperative associations.)

Under the bill, if a SIRS recommends reserves for any item for which reserves are not required, the amount of the recommended reserves for such item must be separately identified in the SIRS as an item for which reserves are not required. (Section [8](#) for condominium associations; Section [21](#) for cooperative associations.)

The bill requires an association's SIRS to take into consideration the funding method or methods used by the association to fund its maintenance and reserve funding obligations through regular assessments, special assessments, lines of credit, or loans. If the SIRS is performed before the association has approved a special assessment or secured a line of credit or a loan, the SIRS must be updated to reflect the funding method selected by the association and its effect on the reserve funding schedule, including any anticipated change in the amount of regular assessments. Additionally, the bill specifies that:

- The SIRS may be updated to reflect any changes to the useful life of the reserve items after such items are repaired or replaced, and the effect such repair or replacement will have on the reserve funding schedule.
- The association must obtain an updated SIRS before adopting any budget in which the reserve funding from regular assessments, special assessments, lines of credit, or loans do not align with the funding plan from the most recent version of the SIRS. (Section [8](#) for condominium associations; Section [21](#) for cooperative associations.)

The bill clarifies that four-family dwelling units with three or fewer habitable stories are exempt from the SIRS requirements, similar to such units' exemption from the milestone inspection requirements. (Section [8](#) for condominium associations; Section [21](#) for cooperative associations.)

The bill extends the deadline for condominium associations existing on or before July 1, 2022, which are controlled by unit owners other than the developer, to have a SIRS completed by December 31, 2024 to December 31, 2025. (Section [8](#).)

The bill requires an officer or director of an association to sign an affidavit acknowledging receipt of a completed SIRS. (Section [8](#) for condominium associations; Section [21](#) for cooperative associations.)

The bill requires the Division to adopt by rule the form for the SIRS in coordination with the Florida Building Commission. (Section [8](#) for condominium associations; Section [21](#) for cooperative associations.)

Hurricane Protection

The bill clarifies that, ***unless otherwise provided in an association's declaration***, 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 the removal is necessary for the maintenance, repair, or replacement of other condominium property for which the association is responsible. (Section [9](#).)

If the declaration does not specify who is responsible for such costs, then the board must determine if the removal or reinstallation of hurricane protection must be completed by the unit owner or the association (Section [9](#).)

The bill removes the ability of an association to assess a unit owner if the association removes or reinstalls hurricane protection in instances where the removal or reinstallation of hurricane protection is the responsibility of a unit owner. (Section [9](#).)

Evacuation Orders

The bill requires the evacuation of a condominium property in the event of any evacuation order, not only a mandatory evacuation order, in the locale in which the condominium property is located. (Section [10](#) for condominium associations; Section [22](#) for cooperative associations.)

Amendment to Association Declaration

The bill provides that the declaration of a nonresidential condominium formed after July 1, 2025, may be amended to change the configuration or size of a 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, if the record owners of all affected units and all record owners of liens on the affected units join in the execution of the amendment. The approval of the owners of nonaffected units is not required under the bill. (Section [6](#).)

Insurance Coverage for Associations

The bill clarifies that every condominium association must provide adequate property insurance, as determined under paragraph (11)(a) of [s. 718.111, F.S.](#), regardless of any requirement in the declaration of condominium for different coverage for the association. (Section [7](#).)

Further, the bill provides that the amount of adequate insurance coverage for full insurable value, replacement cost, or similar coverage may be based on the replacement cost of the property to be insured, as determined by an independent insurance appraisal or update of a previous appraisal. The bill requires that the replacement cost be determined at least every 3 years. (Section [7](#).)

Official Records of an Association

The bill amends the items that an association must maintain in its official records to include:

- Electronic records that contain the minutes of all meetings of the association, the board of administration, any committee, and the unit owners, and a recording of all such meetings that are conducted by video conference.¹⁴
- All bank statements and ledgers of the association.
- A copy of all affidavits required under Florida's condominium laws. (Section [7](#).)

The bill updates levels of intent to willfully and knowingly or intentionally for the commission of certain misdemeanors relating to:

- A director or member of the board or association or a CAM failing to make certain official records available upon valid request.
- A person who defaces or destroys accounting records that are required to be maintained, or fails to create or maintain accounting records that are required to be maintained or created.
- A person who 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. (Section [7](#).)

The bill requires, unless a shorter period is otherwise required, certain documents to be made available on an association's website or made available for download through an application on a mobile device within 30 days after the association receives or creates an official record specified in [subparagraph 2. of s. 718.111\(12\)\(g\), F.S.](#) (Section [7](#).)

¹⁴ If there are approved minutes for a meeting held by video conference, the bill requires recordings of such meetings to be maintained for at least 1 year after the date the recording is posted. (Section [7](#).)

The bill amends the documents that must be posted in digital format on an association's website or application to include:

- The approved minutes of all board of administration meetings over the preceding 12 months.
- The video recordings or a hyperlink to the video recordings for all meetings of the association, the board of administration, and any committee, and the unit owners which are conducted by video conference over the preceding 12 months.
- A copy of all affidavits required by Florida's condominium laws. (Section [7](#).)

Financial Reporting

The bill increases the amount of days in which an association has to deliver to unit owners a copy of the most recent financial report from 120 days to 180 days after the end of the fiscal year.¹⁵ In lieu of delivering the most recent financial report, the bill allows an association to alternatively deliver a notice that a copy of the most recent financial report will be, if requested by a unit owner, mailed, hand delivered, or electronically delivered to the unit owner without charge within 5 business days after receipt of the owner's written request. The bill requires evidence of compliance with this delivery requirement to be made by an affidavit executed by an officer or director of the association. (Section [7](#).)

The bill allows an association to prepare the following, if approved by a majority vote of all the voting interests of an association, instead of a majority of the voting interests present at a properly called meeting:

- A report of cash receipts and expenditures in lieu of a compiled, reviewed, or audited financial statement;
- A report of cash receipts and expenditures or a compiled financial statement in lieu of a reviewed or audited financial statement; or
- A report of cash receipts and expenditures, a compiled financial statement, or a reviewed financial statement in lieu of an audited financial statement. (Section [7](#).)

Investment of Association Funds

The bill requires an association's board, in fulfilling its duty to manage operating and reserve funds, to use best efforts to make prudent investment decisions that carefully consider risk and return in an effort to maximize returns on invested funds. (Section [7](#) for condominium associations; Section [20](#) for cooperative associations.)

The bill allows an association, including a multicondominium association, to invest reserve funds in one or any combination of certificates of deposit or in depository accounts at a community bank, savings bank, commercial bank, savings and loan association, or credit union ***without a vote of the unit owners***. (Section [7](#) for condominium associations; Section [20](#) for cooperative associations.)

Electronic Voting

The bill removes the requirement that written notice of certain meetings must be mailed, delivered, or electronically transmitted to the unit owners and posted conspicuously on the condominium property or association property at least 14 days before such meetings. The bill also removes the related requirement that evidence of compliance with the 14-day notice must be made by an affidavit executed by the person providing the notice and filed with the official records of the association. (Section [11](#).)

The bill creates an alternative method for an association to use electronic voting, in addition to the methods already allowed in [s. 718.128, F.S.](#) Under the bill, 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 that resolution. As a prerequisite, the bill requires that the board receive such petition within 180 days after the date of the last scheduled annual meeting. (Section [11](#).)

Additionally, the bill:

- Requires an association to designate an email address for receipt of electronically submitted ballots, unless the association has adopted electronic voting in accordance with the other provisions of [s. 718.128, F.S.](#);

¹⁵ Or, if another date is specified in an association's bylaws, that date.

- Allows a unit owner to electronically transmit a ballot to the email address designated by his or her association without complying with [s. 718.112\(2\)\(d\)2., F.S.](#), or the rules providing for the secrecy of ballots adopted by the Division;
- Requires an association to count completed ballots that are electronically transmitted to the designated email address, provided the completed ballot is valid under the provisions of the bill;
- Requires a unit owner to transmit his or her ballot to the email address designated by his or her association no later than the scheduled date and time of the meeting during which the matter is being voted on; and
- Creates a rebuttable presumption that an association has reviewed all folders associated with the email address designated by the association to receive ballots if a board member, an officer, an agent of the association, or a licensed community association manager provides a sworn affidavit attesting to such review. (Section [11.](#))

Under the bill, a ballot that is electronically transmitted must include all of the following:

- A space for the unit owner to type in his or her unit number;
- A space for the unit owner to type in his or her first and last name, which also functions as the signature of the unit owner for purposes of signing the ballot; and
- The following statement in capitalized letters and in a font size larger than any other font size used in the email from the association to the unit owners:

WAIVING THE SECRECY OF YOUR BALLOT IS YOUR CHOICE. YOU DO NOT HAVE TO WAIVE THE SECRECY OF YOUR BALLOT IN ORDER TO VOTE. BY TRANSMITTING YOUR COMPLETED BALLOT THROUGH EMAIL TO THE ASSOCIATION, YOU WAIVE THE SECRECY OF YOUR COMPLETED BALLOT. IF YOU DO NOT WISH TO WAIVE YOUR SECRECY BUT WISH TO PARTICIPATE IN THE VOTE THAT IS THE SUBJECT OF THIS BALLOT, PLEASE ATTEND THE IN-PERSON MEETING DURING WHICH THE MATTER WILL BE VOTED ON. (Section [11.](#))

Insured Warranty Programs

The bill clarifies that nonresidential condominiums, not just residential condominiums, may be covered by an insured warranty program that is underwritten by a licensed insurance company registered in Florida, provided that the warranty program meets certain minimum requirements. (Section [12.](#))

Transfer of Association Control

The bill provides that, beginning July 1, 2025, certain provisions relating to transfers of control do not apply to nonresidential condominiums that are comprised of 10 or fewer units. (Section [13.](#))

Agreements Entered into By the Association

The bill amends provisions relating to the ability of unit owners to cancel a grant, reservation, or contract related to the operation, maintenance, or management of a condominium association or property serving the unit owners of a condominium association entered into before unit owners other than the developer assumed control of the association. (Section [14.](#))

Condominiums Created Within a Portion of a Building

The bill clarifies that a condominium association created within a portion of a building under [s. 718.407, F.S.](#), may inspect and copy the books and records upon which the costs for maintaining and operating any shared facilities are based, and **must** receive an annual budget with respect to such costs. (Section [15.](#))

Additionally, the bill requires that, within 60 days after the end of each fiscal year, a complete financial report of all costs for maintaining and operating the shared facilities must be provided to the association. This report must include copies of all receipts and invoices. The bill allows the association to challenge any apportionment of costs for the maintenance and operation of the shared facilities, provided that the challenge is made within 60 days after receipt of the financial report. A challenge under this provision will be governed by homeowners' associations dispute provisions.¹⁶ (Section [15.](#))

¹⁶ [S. 710.311, F.S.](#), contain the provisions in Florida's Homeowners' Association Act that govern dispute resolutions.

The bill authorizes the Division to impose penalties and enforce compliance if an owner fails to provide a financial report on the costs of operating and maintaining shared facilities, including copies of the receipts and invoices, within 60 days of the end of the fiscal year. (Section [15](#).)

Division's Authority to Investigate Certain Complaints

The bill amends the matters that the Division has the jurisdiction to investigate and review after turnover of a condominium association by a developer to unit owners has occurred to include:

- The procedural completion of milestone inspections.
- Completion of repairs required by a milestone inspection.
- The requirement for associations to maintain an insurance policy or fidelity bonding for all persons who control or disperse funds of an association.
- Board member education requirements.
- Reporting requirements for SIRS. (Section [16](#).)

Reporting Requirements for Condominium and Cooperative Associations

On or before October 1, 2025, the bill requires all condominium and cooperative associations to create and maintain an online account with the Division to provide requested information in an electronic format determined by the Division. The bill requires the Division to adopt rules to implement this provision. (Section [16](#) for condominium associations; Section [23](#) for cooperative associations.)

The bill grants the Division discretion to request information from associations no more than once per year. However, the Division may require associations to update certain contact information within 30 days after any change. The Division must provide an association at least a 45-day notice of any requirement to provide any information after the association initially creates an online account. (Section [16](#) for condominium associations; Section [23](#) for cooperative associations.)

Under the bill, the information that the Division may require from associations is limited to:

- Contact information for the association that includes:
 - Name of the association.
 - The physical address of the condominium property.
 - Mailing address and county of the association.
 - E-mail address and telephone number for the association.
 - Name and board title for each member of the association's board.
 - Name and contact information of the association's community association manager or community association management firm, if applicable.
 - The hyperlink or website address of the association's website, if applicable.
- Total number of buildings and for each building in the association:
 - Total number of stories, including both habitable and uninhabitable stories.
 - Total number of units.
 - Age of each building based on the certificate of occupancy.
 - Any construction commenced within the common elements within the calendar year.
- The association's assessments, including the:
 - Amount of assessment or special assessment by unit type, including reserves.
 - Purpose of the assessment or special assessment.
 - Name of the financial institution or institutions with which the association maintains accounts.
- A copy of any SIRS and any associated materials requested by DBPR within 5 business days after such request, in a manner prescribed by DBPR. (Section [16](#) for condominium associations; Section [23](#) for cooperative associations.)

Developer and Non-Developer Disclosures

The bill makes clarifying and conforming changes to required disclosures for developers and non-developers prior to the sale of a residential condominium unit. (Section [17](#) for condominiums; Section [24](#) for cooperatives.)

[Section 31 of Ch. 2024-244, Laws of Fla.](#)

The bill clarifies that certain amendments that were made to Florida's condominium laws in 2024¹⁷ may not apply retroactively and may only apply to condominiums for which declarations were initially recorded on or after October 1, 2024. (Section [19](#).)

Unless otherwise provided in the bill, the bill is effective July 1, 2025. (Section [39](#).)

RULEMAKING:

The bill requires the Division to adopt rules governing the requirements for member meetings and board meetings. (Section [8](#).)

On or before October 1, 2025, the bill requires all condominium and cooperative associations to create and maintain an online account with the Division to provide requested information in an electronic format determined by the Division. The bill requires the Division to adopt rules to implement this provision. (Section [16](#) for condominium associations; Section [23](#) for cooperative associations.)

The bill requires the Division to adopt by rule the form for the SIRS in coordination with the Florida Building Commission. (Section [8](#) for condominium associations; Section [21](#) for cooperative associations.)

Lawmaking is a legislative power; however, the Legislature may delegate a portion of such power to executive branch agencies to create rules that have the force of law. To exercise this delegated power, an agency must have a grant of rulemaking authority and a law to implement.

FISCAL OR ECONOMIC IMPACT:

PRIVATE SECTOR:

The bill has an indeterminate impact on the private sector to the extent the bill assists condominium owners in Florida maintain the structural integrity of their condominium buildings by reserving funds and completing certain inspections.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

[Division of Florida Condominiums, Timeshares, and Mobile Homes](#)

The Division of Florida Condominiums, Timeshares, and Mobile Homes (Division), within the [Department of Business and Professional Regulation](#) (DBPR), provides consumer protection for Florida residents living in certain communities through education, complaint resolution, mediation, and arbitration.¹⁸

The Division has regulatory authority over the following business entities and individuals:

- Condominium associations;
- Cooperative associations;
- Mobile home parks;
- Timeshares; and
- Yacht and ship brokers and salespersons.¹⁹

¹⁷ [S. 31 of ch. 2024-244, Laws of Fla.](#)

¹⁸ Department of Business and Professional Regulation, *Department Divisions & Offices: Division of Florida Condominiums, Timeshares, and Mobile Homes*, <https://www2.myfloridalicense.com/about-us/departments-divisions/> (last visited May 13, 2025).

¹⁹ Department of Business and Professional Regulation, *Division of Florida Condominiums, Timeshares, and Mobile Homes – Statutes & Rules*, <https://www2.myfloridalicense.com/condominiums-and-cooperatives/division-of-condominiums-timeshares-and-mobile-homes-statutes-rules/> (last visited May 13, 2025).

Structural Integrity Reserve Studies

A reserve study is a budget-planning tool for condominium associations. Generally, a reserve study consists of the following two parts: physical analysis and financial analysis.²⁰

Under Florida law, "structural integrity reserve study" (SIRS) means a study of the reserve funds required for future major repairs and replacement of the common areas based on a visual inspection of the common areas. A SIRS may be performed by any person qualified to perform such study. However, the visual inspection portion of the SIRS must be performed or verified by a:²¹

- Licensed engineer;
- Licensed architect; or
- person certified as a reserve specialist or professional reserve analyst by the Community Associations Institute or the Association of Professional Reserve Analysts (CAIAPRA).

At a minimum, a SIRS must:²²

- Identify each item of the condominium property being visually inspected;
- State the estimated remaining useful life and the estimated replacement cost or deferred maintenance expense of each item of the condominium property being visually inspected; and
- Provide a reserve funding schedule with a recommended annual reserve amount that achieves the estimated replacement cost or deferred maintenance expense of each item of condominium property being visually inspected by the end of the estimated remaining useful life of the item.

The SIRS may recommend for any item for which an estimate of useful life and an estimate of replacement cost cannot be determined or with an estimated remaining useful life of greater than 25 years:²³

- That reserves do not need to be maintained; or
- A deferred maintenance expense amount for such item.

A condominium or cooperative must have a SIRS completed at least every 10 years after the condominium's or cooperative's creation for each building on the condominium or cooperative property that is three stories or higher in height which includes, at a minimum, a study of the following items as related to the structural integrity and safety of the building:²⁴

- Roof.
- Structure, including load-bearing walls and other primary structural members and primary structural systems.
- Fireproofing and fire protection systems.
- Plumbing.
- Electrical systems.
- Waterproofing and exterior painting.
- Windows and exterior doors.
- Any other item that has a deferred maintenance expense or replacement cost that exceeds \$10,000 and the failure to replace or maintain such item negatively affects the items listed above as determined by the licensed engineer or architect performing the visual inspection portion of the structural integrity reserve study.

The SIRS requirements do not apply to:²⁵

²⁰ Cedar Management Group, *HOA Reserve Study: Why Does Your Community Need It?*, <https://cedarmanagementgroup.com/hoa-reserve-study-community/#what> (last visited May 13, 2025); Kevin Leonard and Robert Nordlund, *Understanding Reserves: A guide to your association's reserve fund & reserve study*, 26-29 (1st ed. 2021); Community Associations Institute, *National Reserve Study Standards*, <https://www.reservestudy.com/wp-content/uploads/2019/01/NRSS-998-CAI-version-updated-2016.pdf> (last visited May 13, 2025).

²¹ [S. 718.112\(2\)\(g\)2., F.S.](#)

²² [S. 718.112\(2\)\(g\)3., F.S.](#)

²³ *Id.*

²⁴ [S. 718.112\(2\)\(g\)1., F.S.](#)

²⁵ [S. 718.112\(2\)\(g\)4., F.S.](#)

- Buildings less than three stories in height;
- Single-family, two-family, or three-family dwellings with three or fewer habitable stories above ground;
- Any portion or component of a building that has not been submitted to the condominium form of ownership; or
- Any portion or component of a building that is maintained by a party other than the association.

Condominium or cooperative associations existing on or before July 1, 2022, which are controlled by unit owners other than the developer, must have a SIRS completed by December 31, 2024, for each building on the condominium or cooperative property that is three stories or higher in height. However, an association that is required to complete a milestone inspection on or before December 31, 2026, may complete the SIRS simultaneously with the milestone inspection. In no event may the SIRS be completed after December 31, 2026.²⁶

If a condominium or cooperative association willfully and knowingly fails to complete a SIRS, such failure is a breach of an officer's and director's fiduciary relationship to the unit owners.²⁷

Before a developer turns over control of an association to unit owners other than the developer, the developer must have a turnover inspection report for each building on the condominium or cooperative property that is three stories or higher in height.²⁸

Reserves

Every condominium and cooperative association must have a budget that sets forth the proposed expenditure of funds for the maintenance, management, and operation of the association. The budget is adopted for a 12-month period reflecting an association's fiscal year, and it must provide a detailed listing of the estimated revenues and expenses that the association reasonably projects for the coming fiscal year. The annual budget is made up of two parts, the part covering the regular operations of the association and the part covering the cost for capital expenses and deferred maintenance (reserves).²⁹

Reserves are funds that are set aside for capital expenses and deferred maintenance. Reserves provide funds for major capital repairs or replacements that are needed intermittently such as replacing a roof. The reserves are designed to ensure that an association will have the funds when the repairs are needed and will not have to do a large special assessment.³⁰

The amount of funds that must be placed in reserve is determined by the condominium or cooperative association's most recent SIRS. If the amount to be reserved for an item is not in the association's most recent SIRS or the association has not completed a SIRS, then the association may use the traditional formula or alternative formula to determine the amount of funds to reserve.

Current law also requires associations to have and fund reserve accounts for roof replacement, building painting, pavement resurfacing, and any item for which the deferred maintenance expense or replacement cost is greater than \$10,000.³¹ There are two methods of calculating these reserves.

The first is the traditional formula, and the second is the alternative formula. The traditional formula takes into account the estimated deferred maintenance or capital expenditure amount, estimated fund balance, and number of years remaining until deferred maintenance or a capital expenditure is needed.³²

The alternative formula allows associations to maintain a pooled account for multiple reserve assets that are similar or related.

²⁶ [S. 718.112\(2\)\(g\)6., F.S.](#)

²⁷ [S. 718.112\(2\)\(g\)8., F.S.](#)

²⁸ [S. 718.112\(2\)\(g\)5., F.S.](#)

²⁹ [S. 718.112\(2\)\(f\), F.S.](#)

³⁰ *Id.*

³¹ *Id.*, Rule 61B-76.005(1), F.A.C.

³² *Id.*; Rules 61B-22.005(3), and 61B-76.005(1), F.A.C.

Waiver of Reserves

For a budget adopted on or after December 1, 2024, a unit-owner controlled association that must obtain a SIRS may not waive collecting reserves or collect less reserve funds than required for items that are required to be inspected in a SIRS for an association building that is three stories or higher in height. These items are included in the list provided in [s. 718.112\(2\)\(g\), F.S.](#), related to structural components. In addition, unit-owner controlled associations may not use such reserve funds for purposes other than their intended purpose. Associations operating a multicondominium may provide no reserves or less reserves than required by the SIRS if such multicondominium uses an alternative funding method³³ approved by the Division. This is not applicable to cooperatives.

For reserves for non-SIRS items, unit owner-controlled associations may waive funding reserves for capital expenditures and deferred maintenance or provide funds that are less than the required amount by a majority of the voting interests present at a properly called meeting. The waiver of reserves by the membership is only for the current year, and a separate vote must be taken each year to waive the reserves or fund less than the required amount.³⁴

Additionally, under current law, if a local building official³⁵ determines that an entire condominium is [uninhabitable due to a natural emergency](#), the board, upon the approval of a majority of its members, may pause the contribution to its reserves or reduce reserve funding until the local building official determines that the condominium building is habitable.³⁶

Community Association Management

Community association managers³⁷ (CAMs) and community association management firms³⁸ (CAM firms) provide community association management services, which means any of the following practices that require substantial specialized knowledge, judgement, and managerial skill when done for compensation and when the community association served contains more than 10 units or has an annual budget in excess of \$100,000:

- Controlling or disbursing funds of an association;
- Preparing budgets or other financial documents for an association;
- Assisting in the noticing or conduct of association meetings;
- Determining the number of days required for statutory notices;
- Determining amounts due to the association;
- Collecting amounts due to the association before the filing of a civil action;
- Calculating the votes required for a quorum or to approve a proposition or amendment;
- Completing forms related to the management of an association;
- Drafting meeting notices and agendas;
- Calculating and preparing certificates of assessment and estoppel certificates;
- Responding to requests for certificates of assessment and estoppel certificates;
- Negotiating monetary or performance terms of a contract subject to approval by an association;
- Drafting pre-arbitration demands;

³³ "Alternative funding method" is defined as "a method approved by the Division for funding the capital expenditures and deferred maintenance obligations for a multicondominium association operating at least 25 condominiums which may reasonably be expected to fully satisfy the association's reserve funding obligations by the allocation of funds in the annual operating budget."

³⁴ [S. 718.112\(2\)\(f\), F.S.](#); Rule 61B-22.005(8), F.A.C.

³⁵ "Building official" means any of those employees of municipal or county governments, or any person contracted, with building construction regulation responsibilities who are charged with the responsibility for direct regulatory administration or supervision of plan review, enforcement, or inspection of building construction, erection, repair, addition, remodeling, demolition, or alteration projects that require permitting indicating compliance with building, plumbing, mechanical, electrical, gas, fire prevention, energy, accessibility, and other construction codes as required by state law or municipal or county ordinance. [S. 468.603\(2\), F.S.](#)

³⁶ [S. 718.112\(2\)\(f\)2.a., F.S.](#)

³⁷ See [s. 468.431\(4\), F.S.](#)

³⁸ See [s. 468.432\(3\), F.S.](#)

- Coordinating or performing maintenance for real or personal property and other related routine services involved in the operation of an association; and
- Complying with an association's governing documents and the requirements of law as necessary to perform any of the above activities.³⁹

Licensure and Regulation

CAMs and CAM firms are licensed and regulated by DBPR, and the seven-member Regulatory Council of Community Association Managers within DBPR, pursuant to part VIII of chapter 468, F.S.⁴⁰ A person may not manage (or hold herself or himself out to the public as being able to manage) a community association in the state unless he or she is licensed by DBPR.⁴¹ Similarly, a CAM firm or other organization responsible for the management of more than 10 units or an association budget of \$100,000 or greater may not engage (or hold itself out to the public as being able to engage) in the business of community association management in the state unless it is licensed by DBPR.⁴²

Under Florida law, a CAM or CAM firm is deemed to act as an agent of a community association when performing duties within the scope of authority authorized by a written contract with the association or chapter 468, F.S. Additionally, a CAM or CAM firm must discharge duties authorized to be performed on behalf of an association:

- Loyally, skillfully, and diligently;
- Dealing honestly and fairly;
- In good faith;
- With care and full disclosure to the community association;
- Accounting for all funds; and
- Not charging unreasonable or excessive fees.⁴³

Florida law requires a CAM or CAM firm to return all official records of a community association within its possession to the association within 20 business days after termination of an agreement to provide community association management services to the association or receipt of a written request for return of the official records, whichever occurs first.⁴⁴

Conflicts of Interest

A CAM or CAM firm, including directors, officers, and persons with a financial interest in a CAM firm, or a relative⁴⁵ of such persons, must disclose to the board of a community association any activity that may reasonably be construed to be a conflict of interest.⁴⁶ There is a rebuttable presumption that a conflict of interest exists if any of the following occurs without prior notice:

- A CAM or CAM firm, including directors, officers, and persons with a financial interest in a CAM firm, or a relative of such persons, enters into a contract for goods or services with the association.⁴⁷
- A CAM or CAM firm, including directors, officers, and persons with a financial interest in a CAM firm, or a relative of such persons, holds an interest in or receives compensation or anything of value from a corporation, limited liability corporation, partnership, limited liability partnership, or other business entity that conducts business with the association or proposes to enter into a contract or other transaction with the association.⁴⁸

³⁹ S. [468.431\(2\), F.S.](#)

⁴⁰ See ss. [468.432\(1\)](#) and [468.4315, F.S.](#)

⁴¹ S. [468.432\(1\), F.S.](#)

⁴² S. [468.432\(2\), F.S.](#)

⁴³ S. [468.4334\(1\)\(a\), F.S.](#)

⁴⁴ S. [468.4334\(4\), F.S.](#)

⁴⁵ For purposes of these provisions, "relative" means a relative within the third degree of consanguinity by blood or marriage. S. [468.4335\(6\), F.S.](#)

⁴⁶ S. [468.4335\(1\), F.S.](#)

⁴⁷ S. [468.4335\(1\)\(a\), F.S.](#)

⁴⁸ S. [468.4335\(1\)\(b\), F.S.](#)

If a CAM or CAM firm, including directors, officers, and persons with a financial interest in a CAM firm, or a relative of such persons, proposes to engage in an activity that is a conflict of interest described above, the proposed activity must be listed on, and all contracts and transactional documents related to the proposed activity must be attached to, the meeting agenda of the next board of administration meeting.⁴⁹

In the event a community association's board discovers that a CAM or CAM firm, including directors, officers, and persons with a financial interest in a CAM firm, or a relative of such persons, has violated Florida's laws relating to conflicts of interests for CAMs and CAM firms, the association may cancel its community association management contract with the CAM or CAM firm.⁵⁰ If the contract is canceled, the association is liable only for the reasonable value of the management services provided up to the time of cancellation and is not liable for any termination fees, liquidated damages, or other form of penalty for such cancellation.⁵¹

Milestone Inspections

Residential condominium buildings that are three or four stories or more in height, as determined by the Florida Building Code, are required to have a milestone inspection by December 31 of the year in which the building reaches 30 years of age. However, if a building reaches 30 years of age before July 1, 2022, the initial milestone inspection must be performed before December 31, 2024. If a building reaches 30 years of age on or after July 1, 2022, and before December 31, 2024, the building's milestone inspection must be performed before December 31, 2025. The local enforcement agency will provide written notice of the required inspection to the association.⁵² This requirement does not apply to a single-family, two-family, or three-family dwelling with three or fewer habitable stories above ground.⁵³

Amendment to Association Declaration

Unless otherwise provided in the declaration as originally recorded, the Act currently prohibits an amendment to the declaration from changing the configuration or size of any unit in any material fashion, materially altering or modifying the appurtenances to the unit, or changing 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.***⁵⁴

Subsection (14) of [s. 718.110, F.S.](#), provides that, except for those portions of the common elements designed and intended to be used by all unit owners, a portion of the common elements serving only one unit or a group of units may be reclassified as a limited common element upon the vote required to amend the declaration as provided therein or as required under paragraph (1)(a) of [s. 718.110, F.S.](#), and is not be considered an amendment to a declaration.⁵⁵

Insurance Coverage for Associations

In order to protect the safety, health, and welfare of the people of the state and to ensure consistency in the provision of insurance coverage to condominiums and their unit owners, subsection (11) of [s. 718.111, F.S.](#), applies to every residential condominium in the state, regardless of the date of its declaration of condominium.⁵⁶ It is the intent of the Legislature to encourage lower or stable insurance premiums for associations described in that subsection.⁵⁷

Currently, the Act requires that adequate property insurance, regardless of any requirement in the declaration of condominium for coverage by the association for full insurable value, replacement cost, or similar coverage, must

⁴⁹ S. [468.4335\(3\), F.S.](#)

⁵⁰ S. [468.4335\(4\), F.S.](#)

⁵¹ *Id.*

⁵² S. [553.899\(3\), F.S.](#)

⁵³ S. [553.899\(4\), F.S.](#)

⁵⁴ S. [718.110\(4\), F.S.](#)

⁵⁵ S. [710.110\(14\), F.S.](#)

⁵⁶ S. [718.111\(11\), F.S.](#)

⁵⁷ *Id.*

be based on the replacement cost of the property to be insured as determined by an independent insurance appraisal or update of a prior appraisal.⁵⁸ Further, the replacement cost must be determined at least once every 36 months.⁵⁹

Board of Administration and Annual Meetings

Currently, the Act requires that a board of a residential condominium association of more than 10 units must meet at least once each quarter.⁶⁰ Adequate notice of all board meetings must be conspicuously posted on condominium property at least 48 continuous hours prior to the meeting, and the notice must specifically identify all agenda items.⁶¹

All meetings must be noticed and the association may adopt a procedure for posting and repeatedly broadcasting the notice on a closed-circuit television system that serves the condominium association; “[h]owever, if broadcast notice is used in lieu of a notice physically posted on condominium property, the notice and agenda must be broadcast at least four times every broadcast hour of each day that a posted notice is otherwise required under this section.”⁶²

An annual meeting must be held at the location provided in the association bylaws⁶³. If the bylaws do not identify a location, then the meeting must be held within 45 miles of the condominium property.⁶⁴

Requirement to Post Certain Information on Association’s Website

Beginning January 1, 2026, an association managing a condominium with 25 or more units that does not contain timeshare units must post copies of specified documents on its website, or make such documents available through an application that can be downloaded on a mobile device.⁶⁵ The specified documents include, but are not limited to, the association’s articles of incorporation, declaration, bylaws, and rules.⁶⁶

Hurricane Protection

To protect the health, safety, and welfare of the people of the state and to ensure uniformity and consistency in the hurricane protections installed by condominium associations and unit owners, all residential and mixed-use condominiums in the state must comply with the Act’s requirements for those hurricane protections.⁶⁷

Specifically, each board of a residential or mixed-use condominium in the state must adopt hurricane protection specifications for each building within each condominium operated by the association.⁶⁸ All specifications adopted by a board must comply with the applicable building code.⁶⁹ Further, the board may, with the approval of a majority of voting interests of the condominium, install or require that unit owners install hurricane protection that complies with or exceeds the applicable building code.⁷⁰

Under current law, 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 property for which the association is responsible.⁷¹

⁵⁸ [S. 718.111\(11\)\(a\), F.S.](#)

⁵⁹ *Id.*

⁶⁰ [S. 718.112\(2\)\(c\), F.S.](#)

⁶¹ [S. 718.122\(2\)\(c\)1., F.S.](#)

⁶² [S. 718.112\(2\)\(c\)2., F.S.](#)

⁶³ [S. 718.112\(2\)\(d\)1., F.S.](#)

⁶⁴ *Id.*

⁶⁵ See s. 8 of ch. 2024-244, Laws of Fla., which amends [s. 718.111\(12\)\(g\), F.S.](#), effective January 1, 2026.

⁶⁶ *Id.*

⁶⁷ [S. 718.113\(5\), F.S.](#)

⁶⁸ *Id.*

⁶⁹ *Id.*

⁷⁰ *Id.*

⁷¹ *Id.*

However, the board must still determine if the removal or reinstallation of hurricane protection must be completed by the unit owner or the association.⁷² If such removal or reinstallation is completed by the association, the costs incurred by the association may not be charged to the unit owner.⁷³ Currently, 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.⁷⁴

Electronic Voting

The Act provides that an 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.⁷⁵ If the association uses the internet-based voting system, the association must also provide each unit owner with:

- A method to authenticate the unit owner's identity to the online voting system;
- For elections of the board, a method to transmit an electronic ballot to the online voting system that ensures the secrecy and integrity of each ballot; and
- A method to confirm, at least 14 days before the voting deadline, that the unit owner's electronic device can successfully communicate with the online voting system.⁷⁶

Further, the association must use an online voting system that is:

- Able to authenticate the unit owner's identity;
- Able to authenticate the validity of each electronic vote to ensure that the vote is not altered in transit;
- Able to transmit a receipt from the online voting system to each unit owner who casts an electronic vote;
- For elections of the board of administration, able to permanently separate any authentication or identifying information from the electronic election ballot, rendering it impossible to tie an election ballot to a specific unit owner; and
- Able to store and keep electronic votes accessible to election officials for recount, inspection, and review purposes.⁷⁷

Under the Act, a unit owner that votes electronically pursuant to the provisions above must be counted as being in attendance at the meeting for purposes of determining a quorum.⁷⁸ When a quorum is established based on unit owners voting electronically, a substantive vote of the unit owners may not be taken on any issue other than the issues specifically identified in the electronic vote.⁷⁹

Insured Warranty Programs

Currently, the Act allows **residential** condominiums to be covered by an insured warranty program that is underwritten by a licensed insurance company registered in Florida, provided that such warranty program meets the minimum requirements of the Act.⁸⁰ To the extent that the warranty does not meet the minimum requirements of the Act, the minimum requirements apply.⁸¹

Transfer of Association Control

Under the Act, if unit owners other than the developer own 15 percent or more of the units in a condominium that will ultimately be operated by an association, the unit owners other than the developer are entitled to elect at least one-third of the members of the association's board of administration.⁸²

⁷² *Id.*

⁷³ *Id.*

⁷⁴ *Id.*

⁷⁵ [S. 718.128, F.S.](#)

⁷⁶ [S. 718.128\(1\), F.S.](#)

⁷⁷ [S. 718.128\(2\), F.S.](#)

⁷⁸ [S. 718.128\(3\), F.S.](#)

⁷⁹ *Id.*

⁸⁰ [S. 718.203\(7\), F.S.](#)

⁸¹ *Id.*

⁸² [S. 718.301\(1\), F.S.](#)

Additionally, upon the first to occur of the events described in paragraphs (a) through (g) below, unit owners (other than the developer) are entitled to elect at least a majority of the members of the association's board:

- (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 ultimately be operated 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
- (g) Seven years after the date of the recording of the certificate of a surveyor and mapper pursuant to [s. 718.104\(4\)\(e\), F.S.](#), 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.^{83,84}

Agreements Entered into By the Association

The Act requires that any grant or reservation made by a declaration, lease, or other document, and any contract made by an association prior to assumption of control of the association by the unit owners (other than the developer), that provides for operation, maintenance, or management of an association or property serving the unit owners, must be fair and reasonable.⁸⁵

Such grant, reservation, or contract may be canceled by unit owners (other than the developer) in the following manner:

- If the association operates only one condominium and the unit owners (other than the developer) **have assumed control** of the association, or if unit owners (other than the developer) own not less than 75 percent of the voting interests in the condominium, the cancellation must be by concurrence of the owners of not less than 75 percent of the voting interests other than the voting interests owned by the developer.⁸⁶
- 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 a condominium operated by the association, 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 of the voting interests in the condominium other than the voting interests owned by the developer.⁸⁷

Further, if an association operates more than one condominium and its unit owners (other than the developer)

⁸³ For cases that involve an association that may ultimately operate more than one condominium, or cases that involve an association operating a phrase condominium created pursuant to [s. 718.403, F.S.](#), see [s. 718.301\(1\)\(g\), F.S.](#)

⁸⁴ [S. 718.301\(1\)\(a\)-\(g\), F.S.](#)

⁸⁵ [S. 718.302\(1\), F.S.](#)

⁸⁶ 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 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. [S. 718.302\(1\)\(a\), F.S.](#)

⁸⁷ 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 be canceled. However, if the owners of units in a condominium have the right to use property in common with owners of units in other condominiums and those condominiums are operated by more than one association, no grant, reservation, or contract for maintenance, management, or operation of the property serving more than one condominium may be canceled until unit owners other than the developer have assumed control of all of the associations operating the condominiums that are to be served by the recreational area or

have assumed control of the association, the cancellation must be by concurrence of the owners of not less than 75 percent of the total number of voting interests in all condominiums operated by the association (other than the voting interests owned by the developer).⁸⁸

Condominiums Created Within a Portion of a Building

Under the Act, a condominium may be created within a portion of a building or within a multiple parcel building.^{89,90} The common elements of a condominium created as such are only those portions of the building that are submitted to the condominium form of ownership, excluding the units of that condominium.⁹¹

The declaration that creates a condominium within a portion of a building or within a multiple parcel building, the recorded instrument that creates the multiple parcel building, and any other recorded instrument applicable to [s. 718.407, F.S.](#), must specify all of the following:

- The portions of the building which are included in the condominium and the portions that are excluded.
- The party responsible for maintaining and operating those portions of the building which are shared facilities, including, but not limited to, the roof, the exterior of the building, the windows, the balconies, the elevators, the building lobby, the corridors, the recreational amenities, and the utilities.
- The party responsible for collecting the shared expenses.
- The rights and remedies that are available to enforce payment of the shared expenses.⁹²

Notably, the documents must also specify the manner in which the expenses for the maintenance and operation of the shared facilities will be apportioned.⁹³ An owner of a portion of a building which is not submitted to the condominium form of ownership or the condominium association, as applicable to the portion of the building submitted to the condominium form of ownership, must approve any increase to the apportionment of expenses to such portion of the building.⁹⁴

The apportionment of the expenses for the maintenance and operation of the shared facilities may be based on any of the following criteria or any combination thereof:⁹⁵

- The area or volume of each portion of the building in relation to the total area or volume of the entire building, exclusive of the shared facilities.
- The initial estimated market value of each portion of the building in comparison to the total initial estimated market value of the entire building.
- The extent to which the unit owners are permitted to use various shared facilities.⁹⁶

other property, after which cancellation may be effected by concurrence of the owners of not less than 75 percent of the total number of voting interests in those condominiums other than voting interests owned by the developer. [Ss. 718.302\(1\)\(a\), and \(d\), F.S.](#)

⁸⁸ [S. 718.302\(1\)\(c\), F.S.](#)

⁸⁹ A “multiple parcel building” is a building, other than a building consisting entirely of a single condominium, timeshare, or cooperative, which contains separate parcels that are vertically located, in whole or in part, on or over the same land. [S. 193.0237\(1\)\(a\), F.S.](#)

⁹⁰ [S. 718.407\(1\), F.S.](#)

⁹¹ [S. 718.407\(2\), F.S.](#)

⁹² [Ss. 718.407\(3\)\(a\), \(b\), \(d\), and \(e\), F.S.](#)

⁹³ [S. 718.407\(3\)\(c\)1., F.S.](#)

⁹⁴ *Id.*

⁹⁵ An alternative apportionment of expenses is not precluded under the Act as long as such apportionment is stated in the declaration of condominium, the recorded instrument that creates the multiple parcel building, or any other applicable recorded instrument. [S. 718.407\(3\)\(c\)2., F.S.](#)

⁹⁶ [S. 718.407\(3\)\(c\)1.a.-c., F.S.](#)

Developer and Non-Developer Disclosures

The Act requires that developers⁹⁷ and non-developer unit owners make certain disclosures prior to the sale of a residential condominium unit.⁹⁸ Among the required disclosures for developers are the milestone inspection report, the turnover inspection report, and the SIRS report.⁹⁹ Likewise, if a condominium association is required to have any of the reports but has not completed them, the developer is required to disclose the non-compliance.¹⁰⁰

A unit owner who is not a developer must also comply with the Act's disclosure requirements before the sale of his or her unit.¹⁰¹ Each prospective purchaser who has entered into a contract for the purchase of a unit is entitled, at the seller's expense, to a current copy of all of the following:

- The declaration of condominium;
- The articles of incorporation of the association;
- The bylaws and rules of the association;
- An annual financial statement and annual budget of the association;
- A copy of the inspector-prepared summary of the milestone inspection report, if applicable;
- The association's most recent SIRS or a statement that the association has not completed a SIRS;
- A copy of the inspection report for a turnover inspection performed on or after July 1, 2023; and
- The document entitled "Frequently Asked Questions and Answers" required by [s. 718.504, F.S.](#)¹⁰²

Section 31 of Ch. 2024-244, Laws of Fla.

The amendments made to [ss. 718.103\(14\)](#), and [718.202\(3\)](#), and s. [718.407\(1\), \(2\)](#), and [\(6\), F.S.](#), F.S., which were made by [s. 31 of ch. 2024-244, Laws of Fla.](#), were intended to clarify existing law and were required to be applied retroactively. Currently, [s. 31 of ch. 2024-244, Laws of Fla.](#), provides that such amendments do not revive or reinstate any right or interest that has been fully and finally adjudicated as invalid before October 1, 2024.

RECENT LEGISLATION:

YEAR	BILL #	HOUSE SPONSOR(S)	SENATE SPONSOR	OTHER INFORMATION
2024	CS/CS/CS/HB 1021	Lopez, V.	Bradley	The 2024 legislation for condominium and cooperative associations.
2023	CS/CS/HB 1395	Lopez, V.	Bradley	The 2023 legislation for condominium and cooperative associations.

⁹⁷ "Developer" means a person who creates a condominium or offers condominium parcels for sale or lease in the ordinary course of business, but does not include:

- (a) an owner or lessee of a condominium or cooperative unit who has acquired the unit for his or her own occupancy;
- (b) a cooperative association that creates a condominium by conversion of an existing residential cooperative after control of the association has been transferred to the unit owners if, following the conversion, the unit owners are the same persons who were unit owners of the cooperative and no units are offered for sale or lease to the public as part of the plan of conversion;
- (c) a bulk assignee or bulk buyer as defined in [s. 718.703, F.S.](#), or
- (d) a state, county, or municipal entity acting as a lessor and not otherwise named as a developer in the declaration of condominium. [S. 718.103\(17\), F.S.](#)

⁹⁸ See [s. 718.503, F.S.](#)

⁹⁹ [S. 718.503\(1\)\(d\), F.S.](#)

¹⁰⁰ *Id.*

¹⁰¹ [S. 718.503\(2\)\(a\), F.S.](#)

¹⁰² [S. 718.503\(2\)\(a\)1.-8., F.S.](#)

