

1 A bill to be entitled
2 An act relating to condominium associations; amending
3 s. 627.351, F.S.; prohibiting Citizens Property
4 Insurance Corporation from issuing or renewing
5 insurance policies to unit owners or associations
6 under certain circumstances; amending s. 718.110,
7 F.S.; providing that the declaration of a
8 nonresidential condominium may be amended to change
9 certain provisions if all affected record owners join
10 in the execution of such amendment; requiring certain
11 documents to be served at a unit owner's address as
12 reflected in the association's official records;
13 amending s. 718.111, F.S.; requiring, rather than
14 authorizing, an association to provide adequate
15 insurance coverage; revising the requisite intent
16 necessary for criminal penalties; requiring
17 associations to maintain the most recent annual
18 financial statement and annual budget on the
19 condominium property; removing the requirement for an
20 association to provide a unit owner specified notice
21 that the most updated financial report will be
22 provided to the unit owner upon request; providing
23 legislative findings; authorizing the board of an
24 association to levy special assessments and obtain
25 loans for certain purposes without approval of the

26 membership; providing applicability; amending s.
27 718.112, F.S.; authorizing an association to adopt
28 written reasonable rules governing unit owner
29 questions at a meeting; authorizing an association
30 operating a nonresidential condominium to provide for
31 different voting and election procedures; authorizing
32 a majority of the total voting interests of certain
33 associations to approve the provision of a specified
34 line of credit to be used for certain purposes;
35 authorizing an association's reserve accounts to be
36 pooled; specifying that a conflict of interest exists
37 if the person conducting a structural integrity
38 reserve study or milestone inspection provides or
39 contracts to provide repair or replacement services on
40 certain property; revising applicability; requiring
41 the Department of Business and Professional Regulation
42 to initiate rulemaking by a specified date for a
43 certain purpose; prohibiting the suspension of a
44 voting interest of a condominium when voting to recall
45 a member of the board of administration; prohibiting
46 any prior suspension of voting rights from having any
47 effect; removing certain provisions relating to the
48 method for recalling members of the board; requiring
49 that a recall agreement be served on the association
50 by registered mail, rather than by certified mail or

51 | by personal service; providing that service must be
52 | provided in a specified manner to be valid; providing
53 | that a rejection of a unit owner's recall agreement
54 | applies under certain circumstances; providing that
55 | there is a rebuttable presumption that a unit owner
56 | executing a recall agreement is the designated voter
57 | for the unit; prohibiting an association from
58 | enforcing a voting certificate requirement under
59 | certain circumstances; requiring that a rescission or
60 | revocation of a unit owner's recall agreement be in
61 | writing and delivered to the association before an
62 | association is served with the written recall
63 | agreement; providing construction; revising the
64 | timeframe in which a certain petition or action must
65 | be filed; requiring that an association be named as
66 | the respondent in such petition or action; revising
67 | the timeframe in which the Division of Florida
68 | Condominiums, Timeshares, and Mobile Homes or a court
69 | may not accept a recall petition or a court action;
70 | providing that a director or an officer is delinquent
71 | if payment is not made by a specified due date
72 | identified in the declarations, bylaws, or articles of
73 | incorporation; providing that a payment is delinquent
74 | on the first day of the assessment period if no
75 | specified due date is in the declarations, bylaws, or

76 articles of incorporation; amending s. 718.113, F.S.;
77 requiring the board to determine whose responsibility
78 it is to pay for removal or reinstallation of
79 hurricane protection; removing authorization for an
80 association to enforce and collect certain charges as
81 assessments; amending s. 718.116, F.S.; providing
82 legislative findings; authorizing the board of an
83 association to levy special assessments for certain
84 purposes without approval of the membership; providing
85 applicability; amending s. 718.117, F.S.; authorizing
86 termination of a condominium if the estimated costs of
87 replacement, in addition to certain construction or
88 repair costs, exceed the estimated fair market value
89 of the units; requiring approval for termination of a
90 condominium by a specified percentage of the voting
91 interests under certain circumstances; removing
92 provision prohibiting a plan of termination if a
93 certain percentage of the total voting interests
94 reject the plan; specifying how members can reject a
95 plan of termination; providing that certain provisions
96 relating to a plan of termination apply to residential
97 condominiums only; requiring a plan of termination to
98 be approved by the division; authorizing condominiums
99 to amend their declarations by a specified vote to
100 include certain provisions of statutory law; providing

101 additional reasons a unit owner or lienor can contest
102 the apportionment of proceed from a sale of the
103 condominium; amending s. 718.1255, F.S.; providing
104 requirements for bringing an action to challenge an
105 election or a recall; authorizing certain persons to
106 file a notice of removal and complaint in circuit
107 court within a specified timeframe after service of a
108 petition to arbitrate an election or recall disputes;
109 barring actions that are not timely filed and
110 rendering the arbitration decision final; providing
111 requirements for filing a notice of removal and
112 complaint and bringing an action to challenge the
113 arbitration decision; specifying the sole method in
114 which the division or court may award costs and
115 attorney fees in a dispute involving the recall of a
116 director; amending s. 718.128, F.S.; removing a
117 requirement for written notice of certain meetings;
118 requiring, after a specified percentage of voting
119 interests adopts a resolution, a board to hold a
120 meeting within a certain timeframe; requiring a board
121 to receive a petition to adopt a resolution within a
122 certain timeframe; requiring an association to have a
123 designated e-mail address for receipt of ballots
124 transmitted electronically; providing requirements for
125 electronically transmitting a ballot; providing a

126 presumption; amending s. 718.203, F.S.; providing that
127 all condominiums, not just residential, can be covered
128 by an insured warranty program; amending s. 718.301,
129 F.S.; providing that certain provisions of law
130 relating to transfer of control of an association do
131 not apply to certain residential condominiums
132 beginning on a specified date; amending s. 718.302,
133 F.S.; providing that if unit owners own a specified
134 percentage of voting interests in certain condominiums
135 that certain agreements may be cancelled by the unit
136 owners; amending s. 718.407, F.S.; requiring that a
137 specified report be provided to an association within
138 a certain amount of time after the end of the fiscal
139 year; requiring copies of receipts and invoices be
140 included with the report; authorizing an association
141 to challenge the apportionment of certain costs of the
142 shared facilities within a certain amount of time;
143 providing construction; amending s. 718.503, F.S.;
144 requiring a developer or unit owner to provide one
145 notice, instead of two, to a buyer before the sale of
146 a unit; requiring a unit owner to provide the most
147 recent annual financial statement and annual budget to
148 a buyer before the sale of a unit; amending ch. 2024-
149 244, Laws of Florida; providing that certain
150 amendments that were made to the Condominium Act do

151 not revive a right or interest in a matter pending
 152 adjudication before a specified date; providing an
 153 effective date.

154
 155 Be It Enacted by the Legislature of the State of Florida:

156
 157 **Section 1. Paragraph (a) of subsection (6) of section**
 158 **627.351, Florida Statutes, is amended to read:**

159 627.351 Insurance risk apportionment plans.—

160 (6) CITIZENS PROPERTY INSURANCE CORPORATION.—

161 (a) The public purpose of this subsection is to ensure
 162 that there is an orderly market for property insurance for
 163 residents and businesses of this state.

164 1. The Legislature finds that private insurers are
 165 unwilling or unable to provide affordable property insurance
 166 coverage in this state to the extent sought and needed. The
 167 absence of affordable property insurance threatens the public
 168 health, safety, and welfare and likewise threatens the economic
 169 health of the state. The state therefore has a compelling public
 170 interest and a public purpose to assist in assuring that
 171 property in the state is insured and that it is insured at
 172 affordable rates so as to facilitate the remediation,
 173 reconstruction, and replacement of damaged or destroyed property
 174 in order to reduce or avoid the negative effects otherwise
 175 resulting to the public health, safety, and welfare, to the

176 | economy of the state, and to the revenues of the state and local
177 | governments which are needed to provide for the public welfare.
178 | It is necessary, therefore, to provide affordable property
179 | insurance to applicants who are in good faith entitled to
180 | procure insurance through the voluntary market but are unable to
181 | do so. The Legislature intends, therefore, that affordable
182 | property insurance be provided and that it continue to be
183 | provided, as long as necessary, through Citizens Property
184 | Insurance Corporation, a government entity that is an integral
185 | part of the state, and that is not a private insurance company.
186 | To that end, the corporation shall strive to increase the
187 | availability of affordable property insurance in this state,
188 | while achieving efficiencies and economies, and while providing
189 | service to policyholders, applicants, and agents which is no
190 | less than the quality generally provided in the voluntary
191 | market, for the achievement of the foregoing public purposes.
192 | Because it is essential for this government entity to have the
193 | maximum financial resources to pay claims following a
194 | catastrophic hurricane, it is the intent of the Legislature that
195 | the corporation continue to be an integral part of the state and
196 | that the income of the corporation be exempt from federal income
197 | taxation and that interest on the debt obligations issued by the
198 | corporation be exempt from federal income taxation.

199 | 2. The Residential Property and Casualty Joint
200 | Underwriting Association originally created by this statute

201 shall be known as the Citizens Property Insurance Corporation.
202 The corporation shall provide insurance for residential and
203 commercial property, for applicants who are entitled, but, in
204 good faith, are unable to procure insurance through the
205 voluntary market. The corporation shall operate pursuant to a
206 plan of operation approved by order of the Financial Services
207 Commission. The plan is subject to continuous review by the
208 commission. The commission may, by order, withdraw approval of
209 all or part of a plan if the commission determines that
210 conditions have changed since approval was granted and that the
211 purposes of the plan require changes in the plan. For the
212 purposes of this subsection, residential coverage includes both
213 personal lines residential coverage, which consists of the type
214 of coverage provided by homeowner, mobile home owner, dwelling,
215 tenant, condominium unit owner, and similar policies; and
216 commercial lines residential coverage, which consists of the
217 type of coverage provided by condominium association, apartment
218 building, and similar policies.

219 3. With respect to coverage for personal lines residential
220 structures:

221 a. Effective January 1, 2017, a structure that has a
222 dwelling replacement cost of \$700,000 or more, or a single
223 condominium unit that has a combined dwelling and contents
224 replacement cost of \$700,000 or more, is not eligible for
225 coverage by the corporation.

226 b. The requirements of sub-subparagraph a. do not apply in
227 counties where the office determines there is not a reasonable
228 degree of competition. In such counties a personal lines
229 residential structure that has a dwelling replacement cost of
230 less than \$1 million, or a single condominium unit that has a
231 combined dwelling and contents replacement cost of less than \$1
232 million, is eligible for coverage by the corporation.

233 4. It is the intent of the Legislature that policyholders,
234 applicants, and agents of the corporation receive service and
235 treatment of the highest possible level but never less than that
236 generally provided in the voluntary market. It is also intended
237 that the corporation be held to service standards no less than
238 those applied to insurers in the voluntary market by the office
239 with respect to responsiveness, timeliness, customer courtesy,
240 and overall dealings with policyholders, applicants, or agents
241 of the corporation.

242 5.a. Effective January 1, 2009, a personal lines
243 residential structure that is located in the "wind-borne debris
244 region," as defined in s. 1609.2, International Building Code
245 (2006), and that has an insured value on the structure of
246 \$750,000 or more is not eligible for coverage by the corporation
247 unless the structure has opening protections as required under
248 the Florida Building Code for a newly constructed residential
249 structure in that area. A residential structure is deemed to
250 comply with this sub-subparagraph if it has shutters or opening

251 | protections on all openings and if such opening protections
252 | complied with the Florida Building Code at the time they were
253 | installed.

254 | b. Any major structure, as defined in s. 161.54(6)(a),
255 | that is newly constructed, or rebuilt, repaired, restored, or
256 | remodeled to increase the total square footage of finished area
257 | by more than 25 percent, pursuant to a permit applied for after
258 | July 1, 2015, is not eligible for coverage by the corporation if
259 | the structure is seaward of the coastal construction control
260 | line established pursuant to s. 161.053 or is within the Coastal
261 | Barrier Resources System as designated by 16 U.S.C. ss. 3501-
262 | 3510.

263 | 6. With respect to wind-only coverage for commercial lines
264 | residential condominiums, effective July 1, 2014, a condominium
265 | shall be deemed ineligible for coverage if 50 percent or more of
266 | the units are rented more than eight times in a calendar year
267 | for a rental agreement period of less than 30 days.

268 | 7. The corporation may not issue or renew an insurance
269 | policy for a condominium unit owner or a condominium association
270 | unless the condominium association has complied with the
271 | inspection requirements in ss. 553.899 and 718.112(2)(g).

272 | **Section 2. Subsections (4) and (10) of section 718.110,**
273 | **Florida Statutes, are amended to read:**

274 | 718.110 Amendment of declaration; correction of error or
275 | omission in declaration by circuit court.—

276 (4) (a) Subject to paragraph (b), unless otherwise provided
 277 in the declaration as originally recorded, an ~~no~~ amendment may
 278 not change the configuration or size of any unit in any material
 279 fashion, materially alter or modify the appurtenances to the
 280 unit, or change the proportion or percentage by which the unit
 281 owner shares the common expenses of the condominium and owns the
 282 common surplus of the condominium unless the record owner of the
 283 unit and all record owners of liens on the unit join in the
 284 execution of the amendment and unless all the record owners of
 285 all other units in the same condominium approve the amendment.
 286 The acquisition of property by the association and material
 287 alterations or substantial additions to such property or the
 288 common elements by the association in accordance with s.
 289 718.111(7) or s. 718.113, and amendments providing for the
 290 transfer of use rights in limited common elements pursuant to s.
 291 718.106(2) (b) may not be considered ~~shall not be deemed to~~
 292 ~~constitute~~ a material alteration or modification of the
 293 appurtenances to the units. Except as provided in paragraph (b),
 294 a declaration recorded after April 1, 1992, may not require the
 295 approval of less than a majority of total voting interests of
 296 the condominium for amendments under this subsection, unless
 297 otherwise required by a governmental entity.

298 (b) Notwithstanding subsection (14), the declaration of a
 299 nonresidential condominium formed on or after July 1, 2025, may
 300 be amended to change the configuration or size of a unit in any

301 material fashion, materially alter or modify the appurtenances
302 to the unit, or change the proportion or percentage by which the
303 unit owner shares the common expenses of the condominium and
304 owns the common surplus of the condominium, if the record owners
305 of all affected units and all record owners of liens on the
306 affected units join in the execution of the amendment. The
307 approval of the record owners of the nonaffected units in such
308 condominium is not required.

309 (10) If there is an omission or error in a declaration of
310 condominium, or any other document required to establish the
311 condominium, and the omission or error would affect the valid
312 existence of the condominium, the circuit court may entertain a
313 petition of one or more of the unit owners in the condominium,
314 or of the association, to correct the error or omission, and the
315 action may be a class action. The court may require that one or
316 more methods of correcting the error or omission be submitted to
317 the unit owners to determine the most acceptable correction. All
318 unit owners, the association, and the mortgagees of a first
319 mortgage of record must be joined as parties to the action.
320 Service of process on unit owners may be by publication, but the
321 plaintiff must furnish every unit owner not personally served
322 with process with a copy of the petition and final decree of the
323 court by certified mail, return receipt requested, at the unit
324 owner's ~~last known residence~~ address as reflected in the
325 association's official records. If an action to determine

326 whether the declaration or another condominium document complies
327 with the mandatory requirements for the formation of a
328 condominium is not brought within 3 years of the recording of
329 the certificate of a surveyor and mapper pursuant to s.
330 718.104(4)(e) or the recording of an instrument that transfers
331 title to a unit in the condominium which is not accompanied by a
332 recorded assignment of developer rights in favor of the grantee
333 of such unit, whichever occurs first, the declaration and other
334 documents will effectively create a condominium, as of the date
335 the declaration was recorded, regardless of whether the
336 documents substantially comply with the mandatory requirements
337 of law. However, both before and after the expiration of this 3-
338 year period, the circuit court has jurisdiction to entertain a
339 petition permitted under this subsection for the correction of
340 the documentation, and other methods of amendment may be
341 utilized to correct the errors or omissions at any time.

342 **Section 3. Paragraph (a) of subsection (11), paragraphs**
343 **(a) and (c) of subsection (12), and subsection (13) of section**
344 **718.111, Florida Statutes, are amended, and subsection (16) is**
345 **added to that section, to read:**

346 718.111 The association.—

347 (11) INSURANCE.—In order to protect the safety, health,
348 and welfare of the people of the State of Florida and to ensure
349 consistency in the provision of insurance coverage to
350 condominiums and their unit owners, this subsection applies to

351 every residential condominium in the state, regardless of the
352 date of its declaration of condominium. It is the intent of the
353 Legislature to encourage lower or stable insurance premiums for
354 associations described in this subsection.

355 (a) Every condominium association must provide adequate
356 property insurance as determined under this paragraph,
357 regardless of any requirement in the declaration of condominium
358 for certain coverage by the association ~~for full insurable~~
359 ~~value, replacement cost, or similar coverage, must be based on~~
360 ~~the replacement cost of the property to be insured as determined~~
361 ~~by an independent insurance appraisal or update of a prior~~
362 ~~appraisal. The replacement cost must be determined at least once~~
363 ~~every 36 months.~~

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

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

373 ~~3.2.~~ The association's obligation to obtain and
374 ~~association may also~~ provide adequate property insurance
375 coverage for a group of at least three communities created and

376 operating under this chapter, chapter 719, chapter 720, or
377 chapter 721 may be satisfied by obtaining and maintaining for
378 such communities insurance coverage sufficient to cover an
379 amount equal to the probable maximum loss for the communities
380 for a 250-year windstorm event.

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

384 b. A policy or program providing such coverage may not be
385 issued or renewed after July 1, 2008, unless it has been
386 reviewed and approved by the Office of Insurance Regulation. The
387 review and approval must include approval of the policy and
388 related forms pursuant to ss. 627.410 and 627.411, approval of
389 the rates pursuant to s. 627.062, a determination that the loss
390 model approved by the commission was accurately and
391 appropriately applied to the insured structures to determine the
392 250-year probable maximum loss, and a determination that
393 complete and accurate disclosure of all material provisions is
394 provided to condominium unit owners before execution of the
395 agreement by a condominium association.

396 ~~4.3.~~ When determining the adequate amount of property
397 insurance coverage, the association may consider deductibles as
398 determined by this subsection.

399 (12) OFFICIAL RECORDS.—

400 (a) From the inception of the association, the association

401 shall maintain each of the following items, if applicable, which
402 constitutes the official records of the association:

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

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

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

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

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

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

417 7. A current roster of all unit owners and their mailing
418 addresses, unit identifications, voting certifications, and, if
419 known, telephone numbers. The association shall also maintain
420 the e-mail addresses and facsimile numbers of unit owners
421 consenting to receive notice by electronic transmission. In
422 accordance with sub-subparagraph (c)4.e. ~~(c)5.e.~~, the e-mail
423 addresses and facsimile numbers are only accessible to unit
424 owners if consent to receive notice by electronic transmission
425 is provided, or if the unit owner has expressly indicated that

426 such personal information can be shared with other unit owners
427 and the unit owner has not provided the association with a
428 request to opt out of such dissemination with other unit owners.
429 An association must ensure that the e-mail addresses and
430 facsimile numbers are only used for the business operation of
431 the association and may not be sold or shared with outside third
432 parties. If such personal information is included in documents
433 that are released to third parties, other than unit owners, the
434 association must redact such personal information before the
435 document is disseminated. However, the association is not liable
436 for an inadvertent disclosure of the e-mail address or facsimile
437 number for receiving electronic transmission of notices unless
438 such disclosure was made with a knowing or intentional disregard
439 of the protected nature of such information.

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

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

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

448 11. Accounting records for the association and separate
449 accounting records for each condominium that the association
450 operates. Any person who knowingly or intentionally defaces or

451 destroys such records, or who knowingly or intentionally fails
452 to create or maintain such records, with the intent of causing
453 harm to the association or one or more of its members, is
454 personally subject to a civil penalty pursuant to s.

455 718.501(1)(e). The accounting records must include, but are not
456 limited to:

457 a. Accurate, itemized, and detailed records of all
458 receipts and expenditures.

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

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

466 d. All audits, reviews, accounting statements, structural
467 integrity reserve studies, and financial reports of the
468 association or condominium. Structural integrity reserve studies
469 must be maintained for at least 15 years after the study is
470 completed.

471 e. All contracts for work to be performed. Bids for work
472 to be performed are also considered official records and must be
473 maintained by the association for at least 1 year after receipt
474 of the bid.

475 12. Ballots, sign-in sheets, voting proxies, and all other

476 papers and electronic records relating to voting by unit owners,
477 which must be maintained for 1 year from the date of the
478 election, vote, or meeting to which the document relates,
479 notwithstanding paragraph (b).

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

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

484 15. A copy of the inspection reports described in ss.
485 553.899 and 718.301(4)(p) and any other inspection report
486 relating to a structural or life safety inspection of
487 condominium property. Such record must be maintained by the
488 association for 15 years after receipt of the report.

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

490 17. All affirmative acknowledgments made pursuant to s.
491 718.121(4)(c).

492 18. A copy of all building permits.

493 19. A copy of all satisfactorily completed board member
494 educational certificates.

495 20. All other written records of the association not
496 specifically included in the foregoing which are related to the
497 operation of the association.

498 (c)1.a. The official records of the association are open
499 to inspection by any association member and any person
500 authorized by an association member as a representative of such

501 member at all reasonable times. The right to inspect the records
502 includes the right to make or obtain copies, at the reasonable
503 expense, if any, of the member and of the person authorized by
504 the association member as a representative of such member. A
505 renter of a unit has a right to inspect and copy only the
506 declaration of condominium, the association's bylaws and rules,
507 and the inspection reports described in ss. 553.899 and
508 718.301(4)(p). The association may adopt reasonable rules
509 regarding the frequency, time, location, notice, and manner of
510 record inspections and copying but may not require a member to
511 demonstrate any purpose or state any reason for the inspection.
512 The failure of an association to provide the records within 10
513 working days after receipt of a written request creates a
514 rebuttable presumption that the association willfully failed to
515 comply with this paragraph. A unit owner who is denied access to
516 official records is entitled to the actual damages or minimum
517 damages for the association's willful failure to comply. Minimum
518 damages are \$50 per calendar day for up to 10 days, beginning on
519 the 11th working day after receipt of the written request. The
520 failure to permit inspection entitles any person prevailing in
521 an enforcement action to recover reasonable attorney fees from
522 the person in control of the records who, directly or
523 indirectly, knowingly denied access to the records. If the
524 requested records are posted on an association's website, or are
525 available for download through an application on a mobile

526 device, the association may fulfill its obligations under this
527 paragraph by directing to the website or the application all
528 persons authorized to request access.

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

539 2. A director or member of the board or association or a
540 community association manager who knowingly and~~7~~ willfully or
541 intentionally~~, and repeatedly~~ violates subparagraph 1. commits a
542 misdemeanor of the second degree, punishable as provided in s.
543 775.082 or s. 775.083, and must be removed from office and a
544 vacancy declared. ~~For purposes of this subparagraph, the term~~
545 ~~"repeatedly" means two or more violations within a 12-month~~
546 ~~period.~~

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

551 knowingly or intentionally fails to create or maintain
552 accounting records that are required to be created or
553 maintained, with the intent of causing harm to the association
554 or one or more of its members, commits a misdemeanor of the
555 first degree, punishable as provided in s. 775.082 or s.
556 775.083; is personally subject to a civil penalty pursuant to s.
557 718.501(1)(d); and must be removed from office and a vacancy
558 declared.

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

567 5. The association shall maintain an adequate number of
568 copies of the declaration, articles of incorporation, bylaws,
569 and rules, and all amendments to each of the foregoing, as well
570 as the question and answer sheet as described in s. 718.504 and
571 the most recent annual financial statement and annual budget
572 ~~year-end financial information~~ required under this section, on
573 the condominium property to ensure their availability to unit
574 owners and prospective purchasers, and may charge its actual
575 costs for preparing and furnishing these documents to those

576 requesting the documents. An association shall allow a member or
577 his or her authorized representative to use a portable device,
578 including a smartphone, tablet, portable scanner, or any other
579 technology capable of scanning or taking photographs, to make an
580 electronic copy of the official records in lieu of the
581 association's providing the member or his or her authorized
582 representative with a copy of such records. The association may
583 not charge a member or his or her authorized representative for
584 the use of a portable device. Notwithstanding this paragraph,
585 the following records are not accessible to unit owners:

586 a. Any record protected by the lawyer-client privilege as
587 described in s. 90.502 and any record protected by the work-
588 product privilege, including a record prepared by an association
589 attorney or prepared at the attorney's express direction, which
590 reflects a mental impression, conclusion, litigation strategy,
591 or legal theory of the attorney or the association, and which
592 was prepared exclusively for civil or criminal litigation or for
593 adversarial administrative proceedings, or which was prepared in
594 anticipation of such litigation or proceedings until the
595 conclusion of the litigation or proceedings.

596 b. Information obtained by an association in connection
597 with the approval of the lease, sale, or other transfer of a
598 unit.

599 c. Personnel records of association or management company
600 employees, including, but not limited to, disciplinary, payroll,

601 health, and insurance records. For purposes of this sub-
602 subparagraph, the term "personnel records" does not include
603 written employment agreements with an association employee or
604 management company, or budgetary or financial records that
605 indicate the compensation paid to an association employee.

606 d. Medical records of unit owners.

607 e. Social security numbers, driver license numbers, credit
608 card numbers, e-mail addresses, telephone numbers, facsimile
609 numbers, emergency contact information, addresses of a unit
610 owner other than as provided to fulfill the association's notice
611 requirements, and other personal identifying information of any
612 person, excluding the person's name, unit designation, mailing
613 address, property address, and any address, e-mail address, or
614 facsimile number provided to the association to fulfill the
615 association's notice requirements. Notwithstanding the
616 restrictions in this sub-subparagraph, an association may print
617 and distribute to unit owners a directory containing the name,
618 unit address, and all telephone numbers of each unit owner.
619 However, an owner may exclude his or her telephone numbers from
620 the directory by so requesting in writing to the association. An
621 owner may consent in writing to the disclosure of other contact
622 information described in this sub-subparagraph. The association
623 is not liable for the inadvertent disclosure of information that
624 is protected under this sub-subparagraph if the information is
625 included in an official record of the association and is

626 voluntarily provided by an owner and not requested by the
627 association.

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

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

634 h. All affirmative acknowledgments made pursuant to s.
635 718.121(4)(c).

636 (13) FINANCIAL REPORTING.—Within 90 days after the end of
637 the fiscal year, or annually on a date provided in the bylaws,
638 the association shall prepare and complete, or contract for the
639 preparation and completion of, a financial report for the
640 preceding fiscal year. Within 21 days after the final financial
641 report is completed by the association or received from the
642 third party, but not later than 120 days after the end of the
643 fiscal year or other date as provided in the bylaws, the
644 association shall deliver to each unit owner by United States
645 mail or personal delivery at the mailing address, property
646 address, e-mail address, or facsimile number provided to fulfill
647 the association's notice requirements, a copy of the most recent
648 financial report, ~~and a notice that a copy of the most recent~~
649 ~~financial report will be mailed or hand delivered to the unit~~
650 ~~owner, without charge, within 5 business days after receipt of a~~

651 ~~written request from the unit owner.~~ The division shall adopt
652 rules setting forth uniform accounting principles and standards
653 to be used by all associations and addressing the financial
654 reporting requirements for multicondominium associations. The
655 rules must include, but not be limited to, standards for
656 presenting a summary of association reserves, including a good
657 faith estimate disclosing the annual amount of reserve funds
658 that would be necessary for the association to fully fund
659 reserves for each reserve item based on the straight-line
660 accounting method. This disclosure is not applicable to reserves
661 funded via the pooling method. In adopting such rules, the
662 division shall consider the number of members and annual
663 revenues of an association. Financial reports shall be prepared
664 as follows:

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

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

673 2. An association with total annual revenues of at least
674 \$300,000, but less than \$500,000, shall prepare reviewed
675 financial statements.

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

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

681 2. A report of cash receipts and disbursements must
682 disclose the amount of receipts by accounts and receipt
683 classifications and the amount of expenses by accounts and
684 expense classifications, including, but not limited to, the
685 following, as applicable: costs for security, professional and
686 management fees and expenses, taxes, costs for recreation
687 facilities, expenses for refuse collection and utility services,
688 expenses for lawn care, costs for building maintenance and
689 repair, insurance costs, administration and salary expenses, and
690 reserves accumulated and expended for capital expenditures,
691 deferred maintenance, and any other category for which the
692 association maintains reserves.

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

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

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

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

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

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

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

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

714
715 Such meeting and approval must occur before the end of the
716 fiscal year and is effective only for the fiscal year in which
717 the vote is taken. An association may not prepare a financial
718 report pursuant to this paragraph for consecutive fiscal years.
719 If the developer has not turned over control of the association,
720 all unit owners, including the developer, may vote on issues
721 related to the preparation of the association's financial
722 reports, from the date of incorporation of the association
723 through the end of the second fiscal year after the fiscal year
724 in which the certificate of a surveyor and mapper is recorded
725 pursuant to s. 718.104(4)(e) or an instrument that transfers

726 title to a unit in the condominium which is not accompanied by a
727 recorded assignment of developer rights in favor of the grantee
728 of such unit is recorded, whichever occurs first. Thereafter,
729 all unit owners except the developer may vote on such issues
730 until control is turned over to the association by the
731 developer. Any audit or review prepared under this section shall
732 be paid for by the developer if done before turnover of control
733 of the association.

734 (e) A unit owner may provide written notice to the
735 division of the association's failure to mail or hand deliver
736 him or her a copy of the most recent financial report within 5
737 business days after he or she submitted a written request to the
738 association for a copy of such report. If the division
739 determines that the association failed to mail or hand deliver a
740 copy of the most recent financial report to the unit owner, the
741 division shall provide written notice to the association that
742 the association must mail or hand deliver a copy of the most
743 recent financial report to the unit owner and the division
744 within 5 business days after it receives such notice from the
745 division. An association that fails to comply with the
746 division's request may not waive the financial reporting
747 requirement provided in paragraph (d) for the fiscal year in
748 which the unit owner's request was made and the following fiscal
749 year. A financial report received by the division pursuant to
750 this paragraph shall be maintained, and the division shall

751 provide a copy of such report to an association member upon his
752 or her request.

753 (16) SPECIAL ASSESSMENTS AND OBTAINING LOANS.—

754 (a)1. The Legislature finds that:

755 a. Condominiums are created as authorized by statute and
756 are subject to covenants that encumber the land and restrict the
757 use of real property.

758 b. In some circumstances, the declaration, articles of
759 incorporation, or bylaws of an association restrict the
760 authority of the board of administration to levy special
761 assessments or to obtain a loan without first receiving approval
762 of the membership, which may preclude an association from
763 obtaining immediate funding to carry out its obligations to
764 perform necessary maintenance, repair, or replacement of the
765 condominium property as required by the milestone inspection
766 report and structural integrity reserve study report in order to
767 protect the health and safety of the unit owners and tenants of
768 the property.

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

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

784 2. The Legislature further finds that authorizing the
785 board of administration of an association to meet its fiduciary
786 duty, to levy special assessments, and to obtain a loan for
787 necessary maintenance, repair, or replacement of the condominium
788 property as required by the milestone inspection report and
789 structural integrity reserve study report in order to protect
790 the health and safety of the unit owners and tenants of the
791 property is in the public interest; that requiring an
792 association to obtain membership approval endangers the public
793 safety; and that there is a compelling state interest in
794 enabling the board of administration of an association to levy
795 special assessments and obtain loans to perform necessary
796 maintenance, repair, or replacement of the condominium property
797 as required by the milestone inspection report and structural
798 integrity reserve study report without the approval of the
799 membership in order to protect the health and safety of the unit
800 owners and tenants of the property.

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

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

814 **Section 4. Paragraphs (c), (d), (f), (g), (l), and (p) of**
815 **subsection (2) of section 718.112, Florida Statutes, are**
816 **amended, and paragraph (m) of that subsection is republished, to**
817 **read:**

818 718.112 Bylaws.—

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

822 (c) Board of administration meetings.—In a residential
823 condominium association of more than 10 units, the board of
824 administration shall meet at least once each quarter. At least
825 four times each year, the meeting ~~agenda~~ must include an

826 opportunity for members to ask questions of the board, including
827 questions relating to the status of any construction or repair
828 projects, the status of all revenue and expenditures during the
829 current fiscal year, and any other issues affecting the
830 condominium. Meetings of the board of administration at which a
831 quorum of the members is present are open to all unit owners.
832 Members of the board of administration may use e-mail as a means
833 of communication but may not cast a vote on an association
834 matter via e-mail. A unit owner may tape record or videotape the
835 meetings. The right to attend such meetings includes the right
836 to speak at such meetings with reference to all designated
837 ~~agenda items and the right to ask questions relating to reports~~
838 ~~on the status of construction or repair projects, the status of~~
839 ~~revenues and expenditures during the current fiscal year, and~~
840 ~~other issues affecting the condominium~~. The division shall adopt
841 reasonable rules governing the tape recording and videotaping of
842 the meeting. The association may adopt written reasonable rules
843 governing the frequency, duration, and manner of unit owner
844 statements and questions.

845 1. Adequate notice of all board meetings, which must
846 specifically identify all agenda items, must be posted
847 conspicuously on the condominium property at least 48 continuous
848 hours before the meeting except in an emergency. If 20 percent
849 of the voting interests petition the board to address an item of
850 business, the board, within 60 days after receipt of the

851 petition, shall place the item on the agenda at its next regular
852 board meeting or at a special meeting called for that purpose.
853 An item not included on the notice may be taken up on an
854 emergency basis by a vote of at least a majority plus one of the
855 board members. Such emergency action must be noticed and
856 ratified at the next regular board meeting. Written notice of a
857 meeting at which a nonemergency special assessment or an
858 amendment to rules regarding unit use will be considered must be
859 mailed, delivered, or electronically transmitted to the unit
860 owners and posted conspicuously on the condominium property at
861 least 14 days before the meeting. Evidence of compliance with
862 this 14-day notice requirement must be made by an affidavit
863 executed by the person providing the notice and filed with the
864 official records of the association.

865 2. Upon notice to the unit owners, the board shall, by
866 duly adopted rule, designate a specific location on the
867 condominium property at which all notices of board meetings must
868 be posted. If there is no condominium property at which notices
869 can be posted, notices shall be mailed, delivered, or
870 electronically transmitted to each unit owner at least 14 days
871 before the meeting. In lieu of or in addition to the physical
872 posting of the notice on the condominium property, the
873 association may, by reasonable rule, adopt a procedure for
874 conspicuously posting and repeatedly broadcasting the notice and
875 the agenda on a closed-circuit cable television system serving

876 the condominium association. However, if broadcast notice is
877 used in lieu of a notice physically posted on condominium
878 property, the notice and agenda must be broadcast at least four
879 times every broadcast hour of each day that a posted notice is
880 otherwise required under this section. If broadcast notice is
881 provided, the notice and agenda must be broadcast in a manner
882 and for a sufficient continuous length of time so as to allow an
883 average reader to observe the notice and read and comprehend the
884 entire content of the notice and the agenda. In addition to any
885 of the authorized means of providing notice of a meeting of the
886 board, the association may, by rule, adopt a procedure for
887 conspicuously posting the meeting notice and the agenda on a
888 website serving the condominium association for at least the
889 minimum period of time for which a notice of a meeting is also
890 required to be physically posted on the condominium property.
891 Any rule adopted shall, in addition to other matters, include a
892 requirement that the association send an electronic notice in
893 the same manner as a notice for a meeting of the members, which
894 must include a hyperlink to the website at which the notice is
895 posted, to unit owners whose e-mail addresses are included in
896 the association's official records.

897 3. Notice of any meeting in which regular or special
898 assessments against unit owners are to be considered must
899 specifically state that assessments will be considered and
900 provide the estimated cost and description of the purposes for

901 such assessments. If an agenda item relates to the approval of a
902 contract for goods or services, a copy of the contract must be
903 provided with the notice and be made available for inspection
904 and copying upon a written request from a unit owner or made
905 available on the association's website or through an application
906 that can be downloaded on a mobile device.

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

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

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

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

923 (d) Unit owner meetings.—

924 1. An annual meeting of the unit owners must be held at
925 the location provided in the association bylaws and, if the

926 | bylaws are silent as to the location, the meeting must be held
927 | within 45 miles of the condominium property. However, such
928 | distance requirement does not apply to an association governing
929 | a timeshare condominium.

930 | 2. Unless the bylaws provide otherwise, a vacancy on the
931 | board caused by the expiration of a director's term must be
932 | filled by electing a new board member, and the election must be
933 | by secret ballot. An election is not required if the number of
934 | vacancies equals or exceeds the number of candidates. For
935 | purposes of this paragraph, the term "candidate" means an
936 | eligible person who has timely submitted the written notice, as
937 | described in sub-subparagraph 4.a., of his or her intention to
938 | become a candidate. Except in a timeshare or nonresidential
939 | condominium, or if the staggered term of a board member does not
940 | expire until a later annual meeting, or if all members' terms
941 | would otherwise expire but there are no candidates, the terms of
942 | all board members expire at the annual meeting, and such members
943 | may stand for reelection unless prohibited by the bylaws. Board
944 | members may serve terms longer than 1 year if permitted by the
945 | bylaws or articles of incorporation. A board member may not
946 | serve more than 8 consecutive years unless approved by an
947 | affirmative vote of unit owners representing two-thirds of all
948 | votes cast in the election or unless there are not enough
949 | eligible candidates to fill the vacancies on the board at the
950 | time of the vacancy. Only board service that occurs on or after

951 July 1, 2018, may be used when calculating a board member's term
952 limit. If the number of board members whose terms expire at the
953 annual meeting equals or exceeds the number of candidates, the
954 candidates become members of the board effective upon the
955 adjournment of the annual meeting. Unless the bylaws provide
956 otherwise, any remaining vacancies shall be filled by the
957 affirmative vote of the majority of the directors making up the
958 newly constituted board even if the directors constitute less
959 than a quorum or there is only one director. In a residential
960 condominium association of more than 10 units or in a
961 residential condominium association that does not include
962 timeshare units or timeshare interests, co-owners of a unit may
963 not serve as members of the board of directors at the same time
964 unless they own more than one unit or unless there are not
965 enough eligible candidates to fill the vacancies on the board at
966 the time of the vacancy. A unit owner in a residential
967 condominium desiring to be a candidate for board membership must
968 comply with sub-subparagraph 4.a. and must be eligible to be a
969 candidate to serve on the board of directors at the time of the
970 deadline for submitting a notice of intent to run in order to
971 have his or her name listed as a proper candidate on the ballot
972 or to serve on the board. A person who has been suspended or
973 removed by the division under this chapter, or who is delinquent
974 in the payment of any assessment due to the association, is not
975 eligible to be a candidate for board membership and may not be

976 listed on the ballot. For purposes of this paragraph, a person
977 is delinquent if a payment is not made by the due date as
978 specifically identified in the declaration of condominium,
979 bylaws, or articles of incorporation. If a due date is not
980 specifically identified in the declaration of condominium,
981 bylaws, or articles of incorporation, the due date is the first
982 day of the assessment period. A person who has been convicted of
983 any felony in this state or in a United States District or
984 Territorial Court, or who has been convicted of any offense in
985 another jurisdiction which would be considered a felony if
986 committed in this state, is not eligible for board membership
987 unless such felon's civil rights have been restored for at least
988 5 years as of the date such person seeks election to the board.
989 The validity of an action by the board is not affected if it is
990 later determined that a board member is ineligible for board
991 membership due to having been convicted of a felony. This
992 subparagraph does not limit the term of a member of the board of
993 a nonresidential or timeshare condominium.

994 3. The bylaws must provide the method of calling meetings
995 of unit owners, including annual meetings. Written notice of an
996 annual meeting must include an agenda; be mailed, hand
997 delivered, or electronically transmitted to each unit owner at
998 least 14 days before the annual meeting; and be posted in a
999 conspicuous place on the condominium property or association
1000 property at least 14 continuous days before the annual meeting.

1001 Written notice of a meeting other than an annual meeting must
1002 include an agenda; be mailed, hand delivered, or electronically
1003 transmitted to each unit owner; and be posted in a conspicuous
1004 place on the condominium property or association property within
1005 the timeframe specified in the bylaws. If the bylaws do not
1006 specify a timeframe for written notice of a meeting other than
1007 an annual meeting, notice must be provided at least 14
1008 continuous days before the meeting. Upon notice to the unit
1009 owners, the board shall, by duly adopted rule, designate a
1010 specific location on the condominium property or association
1011 property at which all notices of unit owner meetings must be
1012 posted. This requirement does not apply if there is no
1013 condominium property for posting notices. In lieu of, or in
1014 addition to, the physical posting of meeting notices, the
1015 association may, by reasonable rule, adopt a procedure for
1016 conspicuously posting and repeatedly broadcasting the notice and
1017 the agenda on a closed-circuit cable television system serving
1018 the condominium association. However, if broadcast notice is
1019 used in lieu of a notice posted physically on the condominium
1020 property, the notice and agenda must be broadcast at least four
1021 times every broadcast hour of each day that a posted notice is
1022 otherwise required under this section. If broadcast notice is
1023 provided, the notice and agenda must be broadcast in a manner
1024 and for a sufficient continuous length of time so as to allow an
1025 average reader to observe the notice and read and comprehend the

1026 entire content of the notice and the agenda. In addition to any
1027 of the authorized means of providing notice of a meeting of the
1028 board, the association may, by rule, adopt a procedure for
1029 conspicuously posting the meeting notice and the agenda on a
1030 website serving the condominium association for at least the
1031 minimum period of time for which a notice of a meeting is also
1032 required to be physically posted on the condominium property.
1033 Any rule adopted shall, in addition to other matters, include a
1034 requirement that the association send an electronic notice in
1035 the same manner as a notice for a meeting of the members, which
1036 must include a hyperlink to the website at which the notice is
1037 posted, to unit owners whose e-mail addresses are included in
1038 the association's official records. Unless a unit owner waives
1039 in writing the right to receive notice of the annual meeting,
1040 such notice must be hand delivered, mailed, or electronically
1041 transmitted to each unit owner. Notice for meetings and notice
1042 for all other purposes must be mailed to each unit owner at the
1043 address last furnished to the association by the unit owner, or
1044 hand delivered to each unit owner. However, if a unit is owned
1045 by more than one person, the association must provide notice to
1046 the address that the developer identifies for that purpose and
1047 thereafter as one or more of the owners of the unit advise the
1048 association in writing, or if no address is given or the owners
1049 of the unit do not agree, to the address provided on the deed of
1050 record. An officer of the association, or the manager or other

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1051 person providing notice of the association meeting, must provide
1052 an affidavit or United States Postal Service certificate of
1053 mailing, to be included in the official records of the
1054 association affirming that the notice was mailed or hand
1055 delivered in accordance with this provision.

1056 4. The members of the board of a residential condominium
1057 shall be elected by written ballot or voting machine. Proxies
1058 may not be used in electing the board in general elections or
1059 elections to fill vacancies caused by recall, resignation, or
1060 otherwise, unless otherwise provided in this chapter. This
1061 subparagraph does not apply to an association governing a
1062 timeshare condominium.

1063 a. At least 60 days before a scheduled election, the
1064 association shall mail, deliver, or electronically transmit, by
1065 separate association mailing or included in another association
1066 mailing, delivery, or transmission, including regularly
1067 published newsletters, to each unit owner entitled to a vote, a
1068 first notice of the date of the election. A unit owner or other
1069 eligible person desiring to be a candidate for the board must
1070 give written notice of his or her intent to be a candidate to
1071 the association at least 40 days before a scheduled election.
1072 Together with the written notice and agenda as set forth in
1073 subparagraph 3., the association shall mail, deliver, or
1074 electronically transmit a second notice of the election to all
1075 unit owners entitled to vote, together with a ballot that lists

1076 all candidates not less than 14 days or more than 34 days before
1077 the date of the election. Upon request of a candidate, an
1078 information sheet, no larger than 8 1/2 inches by 11 inches,
1079 which must be furnished by the candidate at least 35 days before
1080 the election, must be included with the mailing, delivery, or
1081 transmission of the ballot, with the costs of mailing, delivery,
1082 or electronic transmission and copying to be borne by the
1083 association. The association is not liable for the contents of
1084 the information sheets prepared by the candidates. In order to
1085 reduce costs, the association may print or duplicate the
1086 information sheets on both sides of the paper. The division
1087 shall by rule establish voting procedures consistent with this
1088 sub-subparagraph, including rules establishing procedures for
1089 giving notice by electronic transmission and rules providing for
1090 the secrecy of ballots. Elections shall be decided by a
1091 plurality of ballots cast. There is no quorum requirement;
1092 however, at least 20 percent of the eligible voters must cast a
1093 ballot in order to have a valid election. A unit owner may not
1094 authorize any other person to vote his or her ballot, and any
1095 ballots improperly cast are invalid. A unit owner who violates
1096 this provision may be fined by the association in accordance
1097 with s. 718.303. A unit owner who needs assistance in casting
1098 the ballot for the reasons stated in s. 101.051 may obtain such
1099 assistance. The regular election must occur on the date of the
1100 annual meeting. Notwithstanding this sub-subparagraph, an

1101 election is not required unless more candidates file notices of
 1102 intent to run or are nominated than board vacancies exist.

1103 b. A director of a board of an association of a
 1104 residential condominium shall:

1105 (I) Certify in writing to the secretary of the association
 1106 that he or she has read the association's declaration of
 1107 condominium, articles of incorporation, bylaws, and current
 1108 written policies; that he or she will work to uphold such
 1109 documents and policies to the best of his or her ability; and
 1110 that he or she will faithfully discharge his or her fiduciary
 1111 responsibility to the association's members.

1112 (II) Submit to the secretary of the association a
 1113 certificate of having satisfactorily completed the educational
 1114 curriculum administered by the division or a division-approved
 1115 condominium education provider. The educational curriculum must
 1116 be at least 4 hours long and include instruction on milestone
 1117 inspections, structural integrity reserve studies, elections,
 1118 recordkeeping, financial literacy and transparency, levying of
 1119 fines, and notice and meeting requirements.

1120
 1121 Each newly elected or appointed director must submit to the
 1122 secretary of the association the written certification and
 1123 educational certificate within 1 year before being elected or
 1124 appointed or 90 days after the date of election or appointment.
 1125 A director of an association of a residential condominium who

1126 | was elected or appointed before July 1, 2024, must comply with
 1127 | the written certification and educational certificate
 1128 | requirements in this sub-subparagraph by June 30, 2025. The
 1129 | written certification and educational certificate is valid for 7
 1130 | years after the date of issuance and does not have to be
 1131 | resubmitted as long as the director serves on the board without
 1132 | interruption during the 7-year period. A director who is
 1133 | appointed by the developer may satisfy the educational
 1134 | certificate requirement in sub-sub-subparagraph (II) for any
 1135 | subsequent appointment to a board by a developer within 7 years
 1136 | after the date of issuance of the most recent educational
 1137 | certificate, including any interruption of service on a board or
 1138 | appointment to a board in another association within that 7-year
 1139 | period. One year after submission of the most recent written
 1140 | certification and educational certificate, and annually
 1141 | thereafter, a director of an association of a residential
 1142 | condominium must submit to the secretary of the association a
 1143 | certificate of having satisfactorily completed at least 1 hour
 1144 | of continuing education administered by the division, or a
 1145 | division-approved condominium education provider, relating to
 1146 | any recent changes to this chapter and the related
 1147 | administrative rules during the past year. A director of an
 1148 | association of a residential condominium who fails to timely
 1149 | file the written certification and educational certificate is
 1150 | suspended from service on the board until he or she complies

1151 with this sub-subparagraph. The board may temporarily fill the
1152 vacancy during the period of suspension. The secretary shall
1153 cause the association to retain a director's written
1154 certification and educational certificate for inspection by the
1155 members for 7 years after a director's election or the duration
1156 of the director's uninterrupted tenure, whichever is longer.
1157 Failure to have such written certification and educational
1158 certificate on file does not affect the validity of any board
1159 action.

1160 c. Any challenge to the election process must be commenced
1161 within 60 days after the election results are announced.

1162 5. Any approval by unit owners called for by this chapter
1163 or the applicable declaration or bylaws, including, but not
1164 limited to, the approval requirement in s. 718.111(8), must be
1165 made at a duly noticed meeting of unit owners and is subject to
1166 all requirements of this chapter or the applicable condominium
1167 documents relating to unit owner decisionmaking, except that
1168 unit owners may take action by written agreement, without
1169 meetings, on matters for which action by written agreement
1170 without meetings is expressly allowed by the applicable bylaws
1171 or declaration or any law that provides for such action.

1172 6. Unit owners may waive notice of specific meetings if
1173 allowed by the applicable bylaws or declaration or any law.
1174 Notice of meetings of the board of administration; unit owner
1175 meetings, except unit owner meetings called to recall board

1176 members under paragraph (1); and committee meetings may be given
1177 by electronic transmission to unit owners who consent to receive
1178 notice by electronic transmission. A unit owner who consents to
1179 receiving notices by electronic transmission is solely
1180 responsible for removing or bypassing filters that block receipt
1181 of mass e-mails sent to members on behalf of the association in
1182 the course of giving electronic notices.

1183 7. Unit owners have the right to participate in meetings
1184 of unit owners with reference to all designated agenda items.
1185 However, the association may adopt reasonable rules governing
1186 the frequency, duration, and manner of unit owner participation.

1187 8. A unit owner may tape record or videotape a meeting of
1188 the unit owners subject to reasonable rules adopted by the
1189 division.

1190 9. Unless otherwise provided in the bylaws, any vacancy
1191 occurring on the board before the expiration of a term may be
1192 filled by the affirmative vote of the majority of the remaining
1193 directors, even if the remaining directors constitute less than
1194 a quorum, or by the sole remaining director. In the alternative,
1195 a board may hold an election to fill the vacancy, in which case
1196 the election procedures must conform to sub-subparagraph 4.a.
1197 unless the association governs 10 units or fewer and has opted
1198 out of the statutory election process, in which case the bylaws
1199 of the association control. Unless otherwise provided in the
1200 bylaws, a board member appointed or elected under this section

1201 shall fill the vacancy for the unexpired term of the seat being
 1202 filled. Filling vacancies created by recall is governed by
 1203 paragraph (1) and rules adopted by the division.

1204 10. This chapter does not limit the use of general or
 1205 limited proxies, require the use of general or limited proxies,
 1206 or require the use of a written ballot or voting machine for any
 1207 agenda item or election at any meeting of a timeshare
 1208 condominium association or nonresidential condominium
 1209 association.

1210
 1211 Notwithstanding subparagraph (b)2. and sub-subparagraph 4.a., an
 1212 association of 10 or fewer units may, by affirmative vote of a
 1213 majority of the total voting interests, provide for different
 1214 voting and election procedures in its bylaws, which may be by a
 1215 proxy specifically delineating the different voting and election
 1216 procedures. The different voting and election procedures may
 1217 provide for elections to be conducted by limited or general
 1218 proxy. Notwithstanding sub-subparagraph 4.a., an association
 1219 operating a nonresidential condominium may provide for different
 1220 voting and election procedures in its bylaws, or by an amendment
 1221 to its bylaws, which may include alternative notice requirements
 1222 and voting by limited or general proxy.

1223 (f) Annual budget.—

1224 1. The proposed annual budget of estimated revenues and
 1225 expenses must be detailed and must show the amounts budgeted by

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1226 accounts and expense classifications, including, at a minimum,
1227 any applicable expenses listed in s. 718.504(21). The board
1228 shall adopt the annual budget at least 14 days before the start
1229 of the association's fiscal year. In the event that the board
1230 fails to timely adopt the annual budget a second time, it is
1231 deemed a minor violation and the prior year's budget shall
1232 continue in effect until a new budget is adopted. A
1233 multicondominium association must adopt a separate budget of
1234 common expenses for each condominium the association operates
1235 and must adopt a separate budget of common expenses for the
1236 association. In addition, if the association maintains limited
1237 common elements with the cost to be shared only by those
1238 entitled to use the limited common elements as provided for in
1239 s. 718.113(1), the budget or a schedule attached to it must show
1240 the amount budgeted for this maintenance. If, after turnover of
1241 control of the association to the unit owners, any of the
1242 expenses listed in s. 718.504(21) are not applicable, they do
1243 not need to be listed.

1244 2.a. In addition to annual operating expenses, the budget
1245 must include reserve accounts for capital expenditures and
1246 deferred maintenance. These accounts must include, but are not
1247 limited to, roof replacement, building painting, and pavement
1248 resurfacing, regardless of the amount of deferred maintenance
1249 expense or replacement cost, and any other item that has a
1250 deferred maintenance expense or replacement cost that exceeds

1251 \$10,000. The amount to be reserved must be computed using a
1252 formula based upon estimated remaining useful life and estimated
1253 replacement cost or deferred maintenance expense of the reserve
1254 item. In a budget adopted by an association that is required to
1255 obtain a structural integrity reserve study, reserves must be
1256 maintained for the items identified in paragraph (g) for which
1257 the association is responsible pursuant to the declaration of
1258 condominium, and the reserve amount for such items must be based
1259 on the findings and recommendations of the association's most
1260 recent structural integrity reserve study. With respect to items
1261 for which an estimate of useful life is not readily
1262 ascertainable or with an estimated remaining useful life of
1263 greater than 25 years, an association is not required to reserve
1264 replacement costs for such items, but an association must
1265 reserve the amount of deferred maintenance expense, if any,
1266 which is recommended by the structural integrity reserve study
1267 for such items. The association may adjust replacement reserve
1268 assessments annually to take into account an inflation
1269 adjustment and any changes in estimates or extension of the
1270 useful life of a reserve item caused by deferred maintenance.
1271 The members of a unit-owner-controlled association may
1272 determine, by a majority vote of the total voting interests of
1273 the association, to provide no reserves or less reserves than
1274 required by this subsection. For a budget adopted on or after
1275 December 31, 2024, the members of a unit-owner-controlled

1276 association that must obtain a structural integrity reserve
1277 study may not determine to provide no reserves or less reserves
1278 than required by this subsection for items listed in paragraph
1279 (g), except that members of an association operating a
1280 multicondominium may determine to provide no reserves or less
1281 reserves than required by this subsection if an alternative
1282 funding method has been approved by the division. If the local
1283 building official, as defined in s. 468.603, determines that the
1284 entire condominium building is uninhabitable due to a natural
1285 emergency, as defined in s. 252.34, the board, upon the approval
1286 of a majority of its members, may pause the contribution to its
1287 reserves or reduce reserve funding until the local building
1288 official determines that the condominium building is habitable.
1289 Any reserve account funds held by the association may be
1290 expended, pursuant to the board's determination, to make the
1291 condominium building and its structures habitable. Upon the
1292 determination by the local building official that the
1293 condominium building is habitable, the association must
1294 immediately resume contributing funds to its reserves.

1295 b. Before turnover of control of an association by a
1296 developer to unit owners other than a developer under s.
1297 718.301, the developer-controlled association may not vote to
1298 waive the reserves or reduce funding of the reserves. If a
1299 meeting of the unit owners has been called to determine whether
1300 to waive or reduce the funding of reserves and no such result is

1301 achieved or a quorum is not attained, the reserves included in
1302 the budget shall go into effect. After the turnover, the
1303 developer may vote its voting interest to waive or reduce the
1304 funding of reserves.

1305 c. For an annual budget adopted on or before December 31,
1306 2027, the members of a unit-owner-controlled association may
1307 approve, by a majority vote of the total voting interests of the
1308 association, the provision of a secured line of credit for up to
1309 35 percent of the amount of the reserves required to meet the
1310 reserve funding schedule recommended by a structural integrity
1311 reserve study with respect to items with an estimated remaining
1312 useful life of greater than 10 years.

1313 3. Reserve funds and any interest accruing thereon shall
1314 remain in the reserve account or accounts, and may be used only
1315 for authorized reserve expenditures unless their use for other
1316 purposes is approved in advance by a majority vote of all the
1317 total voting interests of the association. Before turnover of
1318 control of an association by a developer to unit owners other
1319 than the developer pursuant to s. 718.301, the developer-
1320 controlled association may not vote to use reserves for purposes
1321 other than those for which they were intended. For a budget
1322 adopted on or after December 31, 2024, members of a unit-owner-
1323 controlled association that must obtain a structural integrity
1324 reserve study may not vote to use reserve funds, or any interest
1325 accruing thereon, for any other purpose other than the

1326 replacement or deferred maintenance costs of the components
1327 listed in paragraph (g).

1328 4. The only voting interests that are eligible to vote on
1329 questions that involve waiving or reducing the funding of
1330 reserves, or using existing reserve funds for purposes other
1331 than purposes for which the reserves were intended, are the
1332 voting interests of the units subject to assessment to fund the
1333 reserves in question. Proxy questions relating to waiving or
1334 reducing the funding of reserves or using existing reserve funds
1335 for purposes other than purposes for which the reserves were
1336 intended must contain the following statement in capitalized,
1337 bold letters in a font size larger than any other used on the
1338 face of the proxy ballot: WAIVING OF RESERVES, IN WHOLE OR IN
1339 PART, OR ALLOWING ALTERNATIVE USES OF EXISTING RESERVES MAY
1340 RESULT IN UNIT OWNER LIABILITY FOR PAYMENT OF UNANTICIPATED
1341 SPECIAL ASSESSMENTS REGARDING THOSE ITEMS.

1342 5. An association's reserve accounts may be pooled for two
1343 or more required components. Reserve funding for components
1344 listed in paragraph (g) may only be pooled with other components
1345 listed in paragraph (g). The reserve funding indicated in the
1346 proposed annual budget must be sufficient to ensure that
1347 available funds meet or exceed projected expenses for all
1348 components in the reserve pool based on the most recent
1349 structural integrity reserve study.

1350 (g) Structural integrity reserve study.—

1351 1. A residential condominium association must have a
1352 structural integrity reserve study completed at least every 10
1353 years after the condominium's creation for each building on the
1354 condominium property that is three stories or higher in height,
1355 as determined by the Florida Building Code, which includes, at a
1356 minimum, a study of the following items as related to the
1357 structural integrity and safety of the building:

1358 a. Roof.

1359 b. Structure, including load-bearing walls and other
1360 primary structural members and primary structural systems as
1361 those terms are defined in s. 627.706.

1362 c. Fireproofing and fire protection systems.

1363 d. Plumbing.

1364 e. Electrical systems.

1365 f. Waterproofing and exterior painting.

1366 g. Windows and exterior doors.

1367 h. Any other item that has a deferred maintenance expense
1368 or replacement cost that exceeds \$10,000 and the failure to
1369 replace or maintain such item negatively affects the items
1370 listed in sub-subparagraphs a.-g., as determined by the visual
1371 inspection portion of the structural integrity reserve study.

1372 2. A structural integrity reserve study is based on a
1373 visual inspection of the condominium property. A structural
1374 integrity reserve study may be performed by any person qualified
1375 to perform such study. However, the visual inspection portion of

1376 the structural integrity reserve study must be performed or
1377 verified by an engineer licensed under chapter 471, an architect
1378 licensed under chapter 481, or a person certified as a reserve
1379 specialist or professional reserve analyst by the Community
1380 Associations Institute or the Association of Professional
1381 Reserve Analysts. It is a conflict of interest for any person
1382 who performs a structural integrity reserve study or a milestone
1383 inspection under s. 553.899 to provide or contract to provide
1384 services for the repair or replacement of the condominium
1385 property that was the subject of such structural integrity
1386 reserve study or milestone inspection, or to have a financial
1387 interest with the person or entity providing the repair or
1388 replacement services.

1389 3. At a minimum, a structural integrity reserve study must
1390 identify each item of the condominium property being visually
1391 inspected, state the estimated remaining useful life and the
1392 estimated replacement cost or deferred maintenance expense of
1393 each item of the condominium property being visually inspected,
1394 and provide a reserve funding schedule with a recommended annual
1395 reserve amount that achieves the estimated replacement cost or
1396 deferred maintenance expense of each item of condominium
1397 property being visually inspected by the end of the estimated
1398 remaining useful life of the item. The structural integrity
1399 reserve study may recommend that reserves do not need to be
1400 maintained for any item for which an estimate of useful life and

1401 an estimate of replacement cost cannot be determined, or the
1402 study may recommend a deferred maintenance expense amount for
1403 such item. The structural integrity reserve study may recommend
1404 that reserves for replacement costs do not need to be maintained
1405 for any item with an estimated remaining useful life of greater
1406 than 25 years, but the study may recommend a deferred
1407 maintenance expense amount for such item.

1408 4. This paragraph does not apply to buildings less than
1409 three stories in height; single-family, two-family, ~~or~~ three-
1410 family, or four-family dwellings with three or fewer habitable
1411 stories above ground; any portion or component of a building
1412 that has not been submitted to the condominium form of
1413 ownership; or any portion or component of a building that is
1414 maintained by a party other than the association.

1415 5. Before a developer turns over control of an association
1416 to unit owners other than the developer, the developer must have
1417 a turnover inspection report in compliance with s. 718.301(4)(p)
1418 and (q) for each building on the condominium property that is
1419 three stories or higher in height.

1420 6. Associations existing on or before July 1, 2022, which
1421 are controlled by unit owners other than the developer, must
1422 have a structural integrity reserve study completed by December
1423 31, 2024, for each building on the condominium property that is
1424 three stories or higher in height. An association that is
1425 required to complete a milestone inspection in accordance with

1426 s. 553.899 on or before December 31, 2026, may complete the
1427 structural integrity reserve study simultaneously with the
1428 milestone inspection. In no event may the structural integrity
1429 reserve study be completed after December 31, 2026.

1430 7. If the milestone inspection required by s. 553.899, or
1431 an inspection completed for a similar local requirement, was
1432 performed within the past 5 years and meets the requirements of
1433 this paragraph, such inspection may be used in place of the
1434 visual inspection portion of the structural integrity reserve
1435 study.

1436 8. If the officers or directors of an association
1437 willfully and knowingly fail to complete a structural integrity
1438 reserve study pursuant to this paragraph, such failure is a
1439 breach of an officer's and director's fiduciary relationship to
1440 the unit owners under s. 718.111(1).

1441 9. Within 45 days after receiving the structural integrity
1442 reserve study, the association must distribute a copy of the
1443 study to each unit owner or deliver to each unit owner a notice
1444 that the completed study is available for inspection and copying
1445 upon a written request. Distribution of a copy of the study or
1446 notice must be made by United States mail or personal delivery
1447 to the mailing address, property address, or any other address
1448 of the owner provided to fulfill the association's notice
1449 requirements under this chapter, or by electronic transmission
1450 to the e-mail address or facsimile number provided to fulfill

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1451 the association's notice requirements to unit owners who
1452 previously consented to receive notice by electronic
1453 transmission.

1454 10. Within 45 days after receiving the structural
1455 integrity reserve study, the association must provide the
1456 division with a statement indicating that the study was
1457 completed and that the association provided or made available
1458 such study to each unit owner in accordance with this section.
1459 The statement must be provided to the division in the manner
1460 established by the division using a form posted on the
1461 division's website.

1462 11. By October 1, 2025, the Department of Business and
1463 Professional Regulation shall initiate rulemaking to establish
1464 criteria for determining the estimated useful life of the
1465 building components identified in subparagraph 1.

1466 (1) Recall of board members.—Subject to s. 718.301, any
1467 member of the board of administration may be recalled and
1468 removed from office with or without cause by ~~the vote or~~
1469 ~~agreement in writing~~ by a majority of all the voting interests.
1470 A voting interest of the condominium may not be suspended when
1471 voting to recall a member of the board of administration and any
1472 prior suspension of voting rights pursuant to s. 718.303(5)
1473 shall have no effect on a recall vote ~~A special meeting of the~~
1474 ~~unit owners to recall a member or members of the board of~~
1475 ~~administration may be called by 10 percent of the voting~~

1476 ~~interests giving notice of the meeting as required for a meeting~~
1477 ~~of unit owners, and the notice shall state the purpose of the~~
1478 ~~meeting. Electronic transmission may not be used as a method of~~
1479 ~~giving notice of a meeting called in whole or in part for this~~
1480 ~~purpose.~~

1481 ~~1. If the recall is approved by a majority of all voting~~
1482 ~~interests by a vote at a meeting, the recall will be effective~~
1483 ~~as provided in this paragraph. The board shall duly notice and~~
1484 ~~hold a board meeting within 5 full business days after the~~
1485 ~~adjournment of the unit owner meeting to recall one or more~~
1486 ~~board members. Such member or members shall be recalled~~
1487 ~~effective immediately upon conclusion of the board meeting,~~
1488 ~~provided that the recall is facially valid. A recalled member~~
1489 ~~must turn over to the board, within 10 full business days after~~
1490 ~~the vote, any and all records and property of the association in~~
1491 ~~their possession.~~

1492 ~~1.2. If The proposed recall is by an agreement in writing~~
1493 ~~by a majority of all voting interests, the agreement in writing~~
1494 ~~or a copy thereof must shall be served on the association by~~
1495 ~~registered certified mail or ~~by personal service~~ in the manner~~
1496 ~~authorized by chapter 48 and the Florida Rules of Civil~~
1497 ~~Procedure. Methods of service that are not authorized by chapter~~
1498 ~~48 and the Florida Rules of Civil Procedure are invalid and any~~
1499 ~~service that does not comply with this paragraph is void. The~~
1500 ~~board of administration shall duly notice and hold a meeting of~~

1501 the board within 5 full business days after receipt of the
1502 agreement by valid service as authorized under this paragraph in
1503 ~~writing~~. Such member or members must ~~shall~~ be recalled effective
1504 immediately upon the conclusion of the board meeting, provided
1505 that the recall is facially valid and the agreement was validly
1506 served. A recalled member must turn over to the board, within 10
1507 full business days, ~~any and~~ all records and property of the
1508 association in his or her ~~their~~ possession.

1509 2. Rejection of a unit owner's recall agreement under this
1510 section applies when the recall agreement:

1511 a. Was improperly served;

1512 b. Was executed by a person who was not a unit's record
1513 owner or designated voter;

1514 c. Was previously marked for the removal of any board
1515 member;

1516 d. Does not contain any markings that indicate the
1517 selection by a unit owner to either remove or retain a board
1518 member; or

1519 e. Does not contain the signature of the unit owner.

1520 3. There is a rebuttable presumption that a unit owner
1521 executing the recall agreement is the designated voter for the
1522 unit. An association may not enforce a voting certificate
1523 requirement if the association has not enforced such requirement
1524 in all matters requiring the use of voting certificates in the
1525 year immediately preceding service of the recall agreement.

1526 4. A rescission or revocation of a unit owner's recall
1527 agreement must be in writing and delivered to the association
1528 before the association is served with the written recall
1529 agreement. This subparagraph must be liberally construed to
1530 ensure a unit owner is not disenfranchised by an association in
1531 a recall and to prevent an association from failing to certify a
1532 recall agreement on a technical omission which is not a part in
1533 the discharge of the unit owner's voting rights.

1534 ~~5.3.~~ If the board fails to duly notice and hold a board
1535 meeting within 5 full business days after service of an
1536 agreement in writing or within 5 full business days after the
1537 adjournment of the unit owner recall meeting, the recall is
1538 deemed effective and the board members so recalled shall turn
1539 over to the board within 10 full business days after the vote
1540 ~~any and~~ all records and property of the association.

1541 ~~6.4.~~ If the board fails to duly notice and hold the
1542 required meeting or at the conclusion of the meeting determines
1543 that the recall is not facially valid, the unit owner
1544 representative may file a petition or circuit court action under
1545 s. 718.1255 challenging the board's failure to act or
1546 challenging the board's determination on facial validity. The
1547 petition or action must be filed within 45 ~~60~~ days after the
1548 expiration of the applicable 5-full-business-day period. The
1549 review of a petition or action under this subparagraph is
1550 limited to the sufficiency of service on the board and the

1551 facial validity of the written agreement or ballots filed. The
1552 association must be named as the respondent.

1553 ~~7.5.~~ If a vacancy occurs on the board as a result of a
1554 recall or removal and less than a majority of the board members
1555 are removed, the vacancy may be filled by the affirmative vote
1556 of a majority of the remaining directors, notwithstanding any
1557 provision to the contrary contained in this subsection. If
1558 vacancies occur on the board as a result of a recall and a
1559 majority or more of the board members are removed, the vacancies
1560 must ~~shall~~ be filled in accordance with procedural rules to be
1561 adopted by the division, which rules need not be consistent with
1562 this subsection. The rules must provide procedures governing the
1563 conduct of the recall election as well as the operation of the
1564 association during the period after a recall but before the
1565 recall election.

1566 ~~8.6.~~ A board member who has been recalled may file a
1567 petition or court action under s. 718.1255 challenging the
1568 validity of the recall. The petition or action must be filed
1569 within 45 ~~60~~ days after the recall. The association and the unit
1570 owner representative must ~~shall~~ be named as the respondents. The
1571 petition or action may challenge the facial validity of the
1572 written agreement or ballots filed or the substantial compliance
1573 with the procedural requirements for the recall. If the
1574 arbitrator or court determines the recall was invalid, the
1575 petitioning board member must ~~shall~~ immediately be reinstated

1576 and the recall is null and void. A board member who is
1577 successful in challenging a recall is entitled to recover
1578 reasonable attorney fees and costs from the respondents. The
1579 arbitrator or court may award reasonable attorney fees and costs
1580 to the respondents if they prevail, if the arbitrator or court
1581 makes a finding that the petitioner's claim is frivolous.

1582 ~~9.7.~~ The division or a court of competent jurisdiction may
1583 not accept for filing a recall petition or court action, whether
1584 filed under subparagraph 1., ~~subparagraph 2., subparagraph 4.,~~
1585 ~~or~~ subparagraph 6., or subparagraph 8., when there are 45 ~~60~~ or
1586 fewer days until the scheduled reelection of the board member
1587 sought to be recalled or when 45 ~~60~~ or fewer days have elapsed
1588 since the election of the board member sought to be recalled.

1589 (m) Alternative dispute resolution.—There must be a
1590 provision for alternative dispute resolution as provided for in
1591 s. 718.1255 for any residential condominium.

1592 (p) Director or officer delinquencies.—A director or
1593 officer more than 90 days delinquent in the payment of any
1594 monetary obligation due the association is ~~shall be~~ deemed to
1595 have abandoned the office, creating a vacancy in the office to
1596 be filled according to law. For the purpose of this paragraph, a
1597 director or an officer is delinquent if a payment is not made by
1598 the due date as specifically identified in the declarations,
1599 bylaws, or articles of incorporation. If a due date is not
1600 specifically identified in the declaration, bylaws, or articles

1601 of incorporation, the due date is the first day of the
 1602 assessment period.

1603 **Section 5. Paragraphs (d) and (e) of subsection (5) of**
 1604 **section 718.113, Florida Statutes, are amended to read:**

1605 718.113 Maintenance; limitation upon improvement; display
 1606 of flag; hurricane protection; display of religious
 1607 decorations.—

1608 (5) To protect the health, safety, and welfare of the
 1609 people of the state and to ensure uniformity and consistency in
 1610 the hurricane protections installed by condominium associations
 1611 and unit owners, this subsection applies to all residential and
 1612 mixed-use condominiums in the state, regardless of when the
 1613 condominium is created pursuant to the declaration of
 1614 condominium. Each board of administration of a residential
 1615 condominium or mixed-use condominium must adopt hurricane
 1616 protection specifications for each building within each
 1617 condominium operated by the association which may include color,
 1618 style, and other factors deemed relevant by the board. All
 1619 specifications adopted by the board must comply with the
 1620 applicable building code. The installation, maintenance, repair,
 1621 replacement, and operation of hurricane protection in accordance
 1622 with this subsection is not considered a material alteration or
 1623 substantial addition to the common elements or association
 1624 property within the meaning of this section.

1625 (d) Unless otherwise provided in the declaration as

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1626 originally recorded, or as amended, a unit owner is not
1627 responsible for the cost of any removal or reinstallation of
1628 hurricane protection, including exterior windows, doors, or
1629 other apertures, if its removal is necessary for the
1630 maintenance, repair, or replacement of other condominium
1631 property or association property for which the association is
1632 responsible. The board shall determine if the removal or
1633 reinstallation of hurricane protection must be completed by the
1634 unit owner or the association if the declaration as originally
1635 recorded, or as amended, does not specify who is responsible for
1636 such costs. If such removal or reinstallation is completed by
1637 the association, the costs incurred by the association may not
1638 be charged to the unit owner. If such removal or reinstallation
1639 is completed by the unit owner, the association must reimburse
1640 the unit owner for the cost of the removal or reinstallation or
1641 the association must apply a credit toward future assessments in
1642 the amount of the unit owner's cost to remove or reinstall the
1643 hurricane protection.

1644 ~~(e) If the removal or reinstallation of hurricane~~
1645 ~~protection, including exterior windows, doors, or other~~
1646 ~~apertures, is the responsibility of the unit owner and the~~
1647 ~~association completes such removal or reinstallation and then~~
1648 ~~charges the unit owner for such removal or reinstallation, such~~
1649 ~~charges are enforceable as an assessment and may be collected in~~
1650 ~~the manner provided under s. 718.116.~~

Section 6. 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:

1. In some circumstances, the declaration, articles of incorporation, or bylaws of an association restrict the authority of the board of administration to levy special assessments without first obtaining the approval of the membership, which may preclude an association from obtaining immediate funding to carry out its obligations to perform necessary maintenance, repair, or replacement of the condominium property as required by the milestone inspection report and

1676 structural integrity reserve study report in order to protect
1677 the health and safety of the unit owners and tenants of the
1678 property.

1679 2. It is contrary to the public policy of this state to
1680 limit the ability of an association to obtain the funds needed
1681 to perform necessary maintenance, repair, or replacement of the
1682 condominium property as required by the milestone inspection
1683 report and structural integrity reserve study report in order to
1684 protect the unit owners and tenants of the property.

1685 3. Authorizing the board of administration of an
1686 association to meet its fiduciary duty and levy special
1687 assessments to fund necessary maintenance, repair, or
1688 replacement of the condominium property as required by the
1689 milestone inspection report and structural integrity reserve
1690 study report in order to protect the health and safety of the
1691 unit owners and tenants of the property is in the public
1692 interest; that requiring an association to obtain membership
1693 approval endangers the public safety; and that there is a
1694 compelling state interest in enabling the board of
1695 administration of an association to levy special assessments to
1696 perform necessary maintenance, repair, or replacement of the
1697 condominium property as required by the milestone inspection
1698 report and structural integrity reserve study report without the
1699 approval of the membership in order to protect the health and
1700 safety of the unit owners and tenants of the property.

1701 (c) Notwithstanding any provision to the contrary
1702 contained in an association's declaration, articles of
1703 incorporation, or bylaws, the board of administration of an
1704 association may levy special assessments to perform necessary
1705 maintenance, repair, or replacement of the condominium property
1706 as required by the milestone inspection report and structural
1707 integrity reserve study report without the approval of the
1708 membership in order to protect the health and safety of the unit
1709 owners and tenants of the property.

1710 (d) Paragraph (c) applies to all condominiums in existence
1711 on or after July 1, 2025, which are not subject to control of
1712 the developer as defined in s. 718.103 or a bulk assignee or
1713 bulk buyer, as those terms are defined in s. 718.703.

1714 **Section 7. Paragraph (a) of subsection (2) and subsections**
1715 **(3), (4), and (16) of section 718.117, Florida Statutes, are**
1716 **amended to read:**

1717 718.117 Termination of condominium.—

1718 (2) TERMINATION BECAUSE OF ECONOMIC WASTE OR
1719 IMPOSSIBILITY.—

1720 (a) Notwithstanding any provision in the declaration, the
1721 condominium form of ownership of a property may be terminated by
1722 a plan of termination approved by the lesser of the lowest
1723 percentage of voting interests necessary to amend the
1724 declaration or as otherwise provided in the declaration for
1725 approval of termination if:

1726 1. The total estimated cost of construction, replacement,
 1727 or repairs necessary to construct or replace the intended
 1728 improvements or restore the improvements to bring them into
 1729 compliance with the most recent version of the Florida Building
 1730 Code or to ~~their former condition or~~ bring them into compliance
 1731 with applicable laws or regulations, plus the combined estimated
 1732 fair market value of the units in the condominium before
 1733 commencement of the construction, replacement, or repairs,
 1734 exceeds the combined estimated fair market value of the units in
 1735 the condominium after completion of the construction,
 1736 replacement, or repairs. However, if at least 50 percent of the
 1737 total voting interests are owned by a bulk owner, as defined in
 1738 paragraph (3)(c), termination of the condominium under this
 1739 subsection requires the approval of at least 80 percent of all
 1740 the voting interests in the condominium; or

1741 2. It becomes impossible to operate or reconstruct a
 1742 condominium to its prior physical configuration because of land
 1743 use laws or regulations.

1744 (3) OPTIONAL TERMINATION.—Subject to this subsection, the
 1745 condominium form of ownership may be terminated for all or a
 1746 portion of the condominium property pursuant to a plan of
 1747 termination ~~meeting the requirements of this section and~~
 1748 ~~approved by the division. Before a residential association~~
 1749 ~~submits a plan to the division, the plan must be approved by at~~
 1750 least 80 percent of the total voting interests in ~~of~~ the

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1751 condominium. ~~However, if 5 percent or more of the total voting~~
1752 ~~interests of the condominium have rejected the plan of~~
1753 ~~termination by negative vote or by providing written objections,~~
1754 ~~the plan of termination may not proceed.~~

1755 (a) The termination of the condominium form of ownership
1756 is subject to the following conditions:

1757 1. The total voting interests of the condominium must
1758 include all voting interests for the purpose of considering a
1759 plan of termination. A voting interest of the condominium may
1760 not be suspended for any reason when voting on termination
1761 pursuant to this subsection.

1762 2. If 5 percent or more of the total voting interests of
1763 the condominium have rejected ~~reject~~ a plan of termination by a
1764 negative vote or by providing written objections, the plan of
1765 termination may not proceed and a subsequent plan of termination
1766 under ~~pursuant to~~ this subsection may not be considered for 24
1767 months after the date of the rejection.

1768 (b) This subsection does not apply to any condominium
1769 created pursuant to Part VI of this chapter until 5 years after
1770 the recording of the declaration of condominium, unless there is
1771 no objection to the plan of termination.

1772 (c) The requirements of this paragraph apply to
1773 residential condominiums. For purposes of this paragraph
1774 ~~subsection~~, the term "bulk owner" means the single holder of
1775 such voting interests or an owner together with a related entity

1776 or entities that would be considered an insider, as defined in
1777 s. 726.102, holding such voting interests. If ~~the condominium~~
1778 ~~association is a residential association proposed for~~
1779 ~~termination pursuant to this section and~~, at the time of
1780 recording the plan of termination, at least 80 percent of the
1781 total voting interests of the condominium are owned by a bulk
1782 owner, the plan of termination is subject to the following
1783 conditions and limitations:

1784 1. If the former condominium units are offered for lease
1785 to the public after the termination, each unit owner in
1786 occupancy immediately before the date of recording of the plan
1787 of termination may lease his or her former unit and remain in
1788 possession of the unit for 12 months after the effective date of
1789 the termination on the same terms as similar unit types within
1790 the property are being offered to the public. In order to obtain
1791 a lease and exercise the right to retain exclusive possession of
1792 the unit owner's former unit, the unit owner must make a written
1793 request to the termination trustee to rent the former unit
1794 within 90 days after the date the plan of termination is
1795 recorded. Any unit owner who fails to timely make such written
1796 request and sign a lease within 15 days after being presented
1797 with a lease is deemed to have waived his or her right to retain
1798 possession of his or her former unit and shall be required to
1799 vacate the former unit upon the effective date of the
1800 termination, unless otherwise provided in the plan of

1801 termination.

1802 2. Any former unit owner whose unit was granted homestead
1803 exemption status by the applicable county property appraiser as
1804 of the date of the recording of the plan of termination shall be
1805 paid a relocation payment in an amount equal to 1 percent of the
1806 termination proceeds allocated to the owner's former unit. Any
1807 relocation payment payable under this subparagraph shall be paid
1808 by the single entity or related entities owning at least 80
1809 percent of the total voting interests. Such relocation payment
1810 shall be in addition to the termination proceeds for such
1811 owner's former unit and shall be paid no later than 10 days
1812 after the former unit owner vacates his or her former unit.

1813 3. For their respective units, all unit owners other than
1814 the bulk owner must be compensated at least 100 percent of the
1815 fair market value of their units. The fair market value shall be
1816 determined as of a date that is no earlier than 90 days before
1817 the date that the plan of termination is recorded and shall be
1818 determined by an independent appraiser selected by the
1819 termination trustee. For a person whose unit was granted
1820 homestead exemption status by the applicable county property
1821 appraiser, or was an owner-occupied operating business, as of
1822 the date that the plan of termination is recorded and who is
1823 current in payment of both assessments and other monetary
1824 obligations to the association as of the date the plan of
1825 termination is recorded, the fair market value shall be at least

1826 the original purchase price paid for the unit. For purposes of
1827 this subparagraph, the term "fair market value" means the price
1828 of a unit that a seller is willing to accept and a buyer is
1829 willing to pay on the open market in an arms-length transaction
1830 based on similar units sold in other condominiums, including
1831 units sold in bulk purchases but excluding units sold at
1832 wholesale or distressed prices. The purchase price of units
1833 acquired in bulk following a bankruptcy or foreclosure shall not
1834 be considered for purposes of determining fair market value.

1835 4. The plan of termination must provide for payment of a
1836 first mortgage encumbering a unit to the extent necessary to
1837 satisfy the lien, but the payment may not exceed the unit's
1838 share of the proceeds of termination under the plan. If the unit
1839 owner is current in payment of both assessments and other
1840 monetary obligations to the association and any mortgage
1841 encumbering the unit as of the date the plan of termination is
1842 recorded, the receipt by the holder of the unit's share of the
1843 proceeds of termination under the plan or the outstanding
1844 balance of the mortgage, whichever is less, shall be deemed to
1845 have satisfied the first mortgage in full.

1846 5. Before a plan of termination is presented to the unit
1847 owners for consideration pursuant to this paragraph, the plan
1848 must include the following written disclosures in a sworn
1849 statement:

1850 a. The identity of any person or entity that owns or

1851 controls 25 percent or more of the units in the condominium and,
1852 if the units are owned by an artificial entity or entities, a
1853 disclosure of the natural person or persons who, directly or
1854 indirectly, manage or control the entity or entities and the
1855 natural person or persons who, directly or indirectly, own or
1856 control 10 percent or more of the artificial entity or entities
1857 that constitute the bulk owner.

1858 b. The units acquired by any bulk owner, the date each
1859 unit was acquired, and the total amount of compensation paid to
1860 each prior unit owner by the bulk owner, regardless of whether
1861 attributed to the purchase price of the unit.

1862 c. The relationship of any board member to the bulk owner
1863 or any person or entity affiliated with the bulk owner subject
1864 to disclosure pursuant to this subparagraph.

1865 d. The factual circumstances that show that the plan
1866 complies with the requirements of this section and that the plan
1867 supports the expressed public policies of this section.

1868 (d) If the members of the board of administration are
1869 elected by the bulk owner, unit owners other than the bulk owner
1870 may elect at least one-third of the members of the board of
1871 administration before the approval of any plan of termination.

1872 (e) Termination must be approved by the division after a
1873 plan of termination receives the requisite approval from the
1874 unit owners. The division shall examine the plan of termination
1875 to determine its procedural sufficiency and, within 45 days

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1876 after receipt of the initial filing, the division shall notify
1877 the association by mail of any procedural deficiencies or that
1878 the filing is accepted. If the notice is not given within 45
1879 days after the receipt of the filing, the plan of termination is
1880 presumed to be accepted. If the division determines that the
1881 conditions required by this section have been met and that the
1882 plan complies with the procedural requirements of this section,
1883 the division shall authorize the termination, and the
1884 termination may proceed pursuant to this section.

1885 (f) Subsection (2) does not apply to optional termination
1886 pursuant to this subsection.

1887 (4) EXEMPTION.—A plan of termination is not an amendment
1888 subject to s. 718.110(4). In a partial termination, a plan of
1889 termination is not an amendment subject to s. 718.110(4) if the
1890 ownership share of the common elements of a surviving unit in
1891 the condominium remains in the same proportion to the surviving
1892 units as it was before the partial termination. Notwithstanding
1893 any provision in the declaration to the contrary, the
1894 association may amend the declaration of condominium for the
1895 purpose of incorporating this section by the lesser of the
1896 lowest percentage of voting interests necessary to amend the
1897 declaration or as otherwise provided in the declaration,
1898 whichever is less.

1899 (16) RIGHT TO CONTEST.—A unit owner or lienor may contest
1900 a plan of termination by initiating a petition in accordance

1901 with s. 718.1255 within 90 days after the date the plan is
 1902 recorded. A unit owner or lienor may only contest the fairness
 1903 and reasonableness of the apportionment of the proceeds from the
 1904 sale among the unit owners;~~;~~ that the liens of the first
 1905 mortgages of unit owners other than the bulk owner have not or
 1906 will not be satisfied to the extent required by subsection (3);
 1907 that the combined estimated fair market value of the units in
 1908 the condominium after completion of the construction,
 1909 replacement, or repairs contemplated by subparagraph (2) (a) 1.
 1910 exceeds the estimated value of the units before the
 1911 construction, replacement, or repairs plus the cost of the
 1912 construction, replacement, or repairs;~~;~~ or that the required
 1913 vote to approve the plan was not obtained. A unit owner or
 1914 lienor who does not contest the plan within the 90-day period is
 1915 barred from asserting or prosecuting a claim against the
 1916 association, the termination trustee, any unit owner, or any
 1917 successor in interest to the condominium property. In an action
 1918 contesting a plan of termination, the person contesting the plan
 1919 has the burden of pleading and proving that the apportionment of
 1920 the proceeds from the sale among the unit owners was not fair
 1921 and reasonable or that the required vote was not obtained. The
 1922 apportionment of sale proceeds is presumed fair and reasonable
 1923 if it was determined pursuant to the methods prescribed in
 1924 subsection (12). If the petition is filed with the division for
 1925 arbitration, the arbitrator shall determine the rights and

1926 | interests of the parties in the apportionment of the sale
 1927 | proceeds. If the arbitrator determines that the apportionment of
 1928 | sales proceeds is not fair and reasonable, the arbitrator may
 1929 | void the plan or may modify the plan to apportion the proceeds
 1930 | in a fair and reasonable manner pursuant to this section based
 1931 | upon the proceedings and order the modified plan of termination
 1932 | to be implemented. If the arbitrator determines that the plan
 1933 | was not properly approved, or that the procedures to adopt the
 1934 | plan were not properly followed, the arbitrator may void the
 1935 | plan or grant other relief it deems just and proper. The
 1936 | arbitrator shall automatically void the plan upon a finding that
 1937 | any of the disclosures required in subparagraph (3)(c)5. are
 1938 | omitted, misleading, incomplete, or inaccurate. Any challenge to
 1939 | a plan, other than a challenge that the required vote was not
 1940 | obtained, does not affect title to the condominium property or
 1941 | the vesting of the condominium property in the trustee, but
 1942 | shall only be a claim against the proceeds of the plan. In any
 1943 | such action, the prevailing party shall recover reasonable
 1944 | attorney fees and costs.

1945 | **Section 8. Subsection (7) of section 718.1255, Florida**
 1946 | **Statutes, is renumbered as subsection (9), paragraph (a) of**
 1947 | **subsection (4) and subsection (6) are amended, and new**
 1948 | **subsections (7) and (8) are added to that section, to read:**

1949 | 718.1255 Alternative dispute resolution; mediation;
 1950 | nonbinding arbitration; applicability.-

1951 (4) NONBINDING ARBITRATION AND MEDIATION OF DISPUTES.—The
1952 Division of Florida Condominiums, Timeshares, and Mobile Homes
1953 of the Department of Business and Professional Regulation may
1954 employ full-time attorneys to act as arbitrators to conduct the
1955 arbitration hearings provided by this chapter. The division may
1956 also certify attorneys who are not employed by the division to
1957 act as arbitrators to conduct the arbitration hearings provided
1958 by this chapter. A person may not be employed by the department
1959 as a full-time arbitrator unless he or she is a member in good
1960 standing of The Florida Bar. A person may only be certified by
1961 the division to act as an arbitrator if he or she has been a
1962 member in good standing of The Florida Bar for at least 5 years
1963 and has mediated or arbitrated at least 10 disputes involving
1964 condominiums in this state during the 3 years immediately
1965 preceding the date of application, mediated or arbitrated at
1966 least 30 disputes in any subject area in this state during the 3
1967 years immediately preceding the date of application, or attained
1968 board certification in real estate law or condominium and
1969 planned development law from The Florida Bar. Arbitrator
1970 certification is valid for 1 year. An arbitrator who does not
1971 maintain the minimum qualifications for initial certification
1972 may not have his or her certification renewed. The department
1973 may not enter into a legal services contract for an arbitration
1974 hearing under this chapter with an attorney who is not a
1975 certified arbitrator unless a certified arbitrator is not

1976 available within 50 miles of the dispute. The department shall
 1977 adopt rules of procedure to govern such arbitration hearings
 1978 including mediation incident thereto. The decision of an
 1979 arbitrator is final; however, a decision is not deemed final
 1980 agency action. Nothing in this provision shall be construed to
 1981 foreclose parties from proceeding in a trial de novo unless the
 1982 parties have agreed that the arbitration is binding. If judicial
 1983 proceedings are initiated, the final decision of the arbitrator
 1984 is admissible in evidence in the trial de novo.

1985 (a) Before the institution of court litigation, a party to
 1986 a dispute, other than an election or recall dispute, shall
 1987 either petition the division for nonbinding arbitration or
 1988 initiate presuit mediation as provided in subsection (5). In an
 1989 election or recall dispute that is arbitrated by the division,
 1990 the arbitration decision is binding on the parties unless
 1991 removed pursuant to subsection (7). For all other disputes,
 1992 arbitration is binding on the parties if all parties in
 1993 arbitration agree to be bound in a writing filed in arbitration.
 1994 The petition must be accompanied by a filing fee in the amount
 1995 of \$50. Filing fees collected under this section must be used to
 1996 defray the expenses of the alternative dispute resolution
 1997 program.

1998 (6) DISPUTES INVOLVING ELECTION IRREGULARITIES OR RECALL
 1999 OF A DIRECTOR.—Every arbitration petition received by the
 2000 division and required to be filed under this section challenging

2001 the legality of the election of any director of the board of
2002 administration or the recall of any director of the board of
2003 administration must be handled on an expedited basis in the
2004 manner provided by the division's rules for recall arbitration
2005 disputes. If a challenge to an election or recall dispute is
2006 filed in circuit court, the challenge must be brought in equity
2007 as a summary proceeding pursuant to s. 51.011. The party filing
2008 the action may request the court to issue a temporary injunction
2009 to stay an upcoming election while the action is pending. The
2010 court must set an immediate hearing when an action is filed
2011 pursuant to this subsection. The court may limit the time for
2012 taking testimony based on the circumstances of the matter and
2013 the proximity of the date on which a succeeding election is
2014 scheduled, if applicable. An action filed pursuant to this
2015 subsection must be tried without a jury. The prevailing party in
2016 an action filed pursuant to this subsection shall recover
2017 reasonable attorney fees and costs.

2018 (7) REMOVAL OF ELECTION AND RECALL ARBITRATION ACTIONS.—

2019 (a) A unit owner, a recall representative, or an
2020 association may remove a petition for arbitration for an
2021 election or a recall dispute within 10 days after service of
2022 such petition by filing a notice of removal and complaint in the
2023 circuit court for the county in which the association is
2024 located. The failure to timely file a notice of removal and
2025 complaint bars the parties from seeking a trial de novo or

2026 otherwise filing an action in circuit court and the arbitration
2027 ruling by the division is final and binding on the parties.

2028 (b) A notice of removal and complaint, as well as a copy
2029 of all process, pleadings, and orders served in an action, must
2030 be signed pursuant to the Florida Rules of Civil Procedure. The
2031 party that does not seek the removal of the arbitration decision
2032 does not need to consent to the filing of a notice of removal
2033 and complaint. The party filing the notice of removal and
2034 complaint must simultaneously serve written notice to all
2035 parties and file a copy of such written notice with the
2036 division, which ceases any further action on the matter. The
2037 party filing the notice of removal and complaint must pay all
2038 applicable filing fees within 5 days after filing the notice of
2039 removal and complaint. An action or counterclaim filed after the
2040 filing of the notice of removal and complaint must be brought in
2041 equity as a summary proceeding pursuant to s. 51.011. The party
2042 filing the action may request the court to issue a temporary
2043 injunction to stay an upcoming election while the action is
2044 pending. The court must set an immediate hearing when an action
2045 is filed pursuant to this paragraph. The court may limit the
2046 time for taking testimony based on the circumstances of the
2047 matter and the proximity of the date on which a succeeding
2048 election is scheduled, if applicable. An action filed pursuant
2049 to this paragraph must be tried without a jury. Pursuant to
2050 subsection (8), reasonable attorney fees and costs may be

2051 awarded in disputes brought under this subsection.

2052 (8) ATTORNEY FEES AND COSTS FOR DISPUTES INVOLVING A
2053 RECALL OF DIRECTORS.—If the division or a court of this state
2054 renders a judgment or decree against an association and in favor
2055 of the unit owner, the division, trial court, or, in the event
2056 of an appeal in which the unit owner prevails, the appellate
2057 court shall order the association to pay all costs incurred by
2058 the unit owner in the action and the unit owner's reasonable
2059 attorney fees. The division or court may award such costs and
2060 attorney fees in the judgment or decree rendered in the action
2061 or such costs and attorney fees may be included in a separate
2062 judgment or decree. Costs and attorney fees may not be recovered
2063 in any action involving the recall of directors except as
2064 provided in this subsection or if awarded as a sanction under s.
2065 57.105.

2066 **Section 9. Subsection (6) of section 718.128, Florida**
2067 **Statutes, is renumbered as subsection (8), subsection (4) is**
2068 **amended, and new subsections (6) and (7) are added to that**
2069 **section, to read:**

2070 718.128 Electronic voting.—The association may conduct
2071 elections and other unit owner votes through an Internet-based
2072 online voting system if a unit owner consents, electronically or
2073 in writing, to online voting and if the following requirements
2074 are met:

2075 (4) This section applies to an association that provides

2076 for and authorizes an online voting system pursuant to this
2077 section by a board resolution. If the board authorizes online
2078 voting, the board must honor a unit owner's request to vote
2079 electronically at all subsequent elections, unless such unit
2080 owner opts out of online voting. The board resolution must
2081 provide that unit owners receive notice of the opportunity to
2082 vote through an online voting system, must establish reasonable
2083 procedures and deadlines for unit owners to consent,
2084 electronically or in writing, to online voting, and must
2085 establish reasonable procedures and deadlines for unit owners to
2086 opt out of online voting after giving consent. ~~Written notice of~~
2087 ~~a meeting at which the resolution will be considered must be~~
2088 ~~mailed, delivered, or electronically transmitted to the unit~~
2089 ~~owners and posted conspicuously on the condominium property or~~
2090 ~~association property at least 14 days before the meeting.~~
2091 ~~Evidence of compliance with the 14-day notice requirement must~~
2092 ~~be made by an affidavit executed by the person providing the~~
2093 ~~notice and filed with the official records of the association.~~

2094 (6) If at least 25 percent of the voting interests of a
2095 condominium petition the board to adopt a resolution for
2096 electronic voting for the next scheduled election, the board
2097 must hold a meeting within 21 days after receipt of the petition
2098 to adopt such resolution. The board must receive the petition
2099 within 180 days after the date of the last scheduled annual
2100 meeting.

2101 (7) (a) Unless the association has adopted electronic
2102 voting in accordance with subsections (1)-(6), the association
2103 must designate an e-mail address for receipt of electronically
2104 transmitted ballots. Electronically transmitted ballots must
2105 meet all the requirements of this subsection.

2106 (b) A unit owner may electronically transmit a ballot to
2107 the e-mail address designated by the association without
2108 complying with s. 718.112(2) (d)2. or the rules providing for the
2109 secrecy of ballots adopted by the division. The association must
2110 count completed ballots that are electronically transmitted to
2111 the designated e-mail address, provided the completed ballot
2112 complies with the requirements of this subsection.

2113 (c) A ballot that is electronically transmitted to the
2114 association must include all of the following:

2115 1. A space for the unit owner to type in his or her unit
2116 number.

2117 2. A space for the unit owner to type in his or her first
2118 and last name, which also functions as the signature of the unit
2119 owner for purposes of signing the ballot.

2120 3. The following statement in capitalized letters and in a
2121 font size larger than any other font size used in the e-mail
2122 from the association to the unit owner:

2123
2124 WAIVING THE SECRECY OF YOUR BALLOT IS YOUR CHOICE. YOU DO
2125 NOT HAVE TO WAIVE THE SECRECY OF YOUR BALLOT IN ORDER TO

2126 VOTE. BY TRANSMITTING YOUR COMPLETED BALLOT THROUGH E-MAIL
 2127 TO THE ASSOCIATION, YOU WAIVE YOUR SECRECY OF YOUR
 2128 COMPLETED BALLOT. IF YOU DO NOT WISH TO WAIVE YOUR SECRECY
 2129 BUT WISH TO PARTICIPATE IN THE VOTE THAT IS THE SUBJECT OF
 2130 THIS BALLOT, PLEASE ATTEND THE IN-PERSON MEETING DURING
 2131 WHICH THE MATTER WILL BE VOTED ON.

2132
 2133 (d) A unit owner must transmit his or her completed ballot
 2134 to the e-mail address designated by the association no later
 2135 than the scheduled date and time of the meeting during which the
 2136 matter is being voted on.

2137 (e) There is a rebuttable presumption that an association
 2138 has reviewed all folders associated with the e-mail address
 2139 designated by the association to receive ballots if a board
 2140 member, an officer, or an agent of the association, or a manager
 2141 licensed under part VIII of chapter 468, provides a sworn
 2142 affidavit attesting to such review.

2143 **Section 10. Subsection (7) of section 718.203, Florida**
 2144 **Statutes, is amended to read:**

2145 718.203 Warranties.—

2146 (7) ~~Residential~~ Condominiums may be covered by an insured
 2147 warranty program underwritten by a licensed insurance company
 2148 registered in this state, provided that such warranty program
 2149 meets the minimum requirements of this chapter; to the degree
 2150 that such warranty program does not meet the minimum

2151 requirements of this chapter, such requirements shall apply.

2152 **Section 11. Subsection (1) of section 718.301, Florida**
2153 **Statutes, is amended to read:**

2154 718.301 Transfer of association control; claims of defect
2155 by association.—

2156 (1) If unit owners other than the developer own 15 percent
2157 or more of the units in a condominium that will be operated
2158 ultimately by an association, the unit owners other than the
2159 developer are entitled to elect at least one-third of the
2160 members of the board of administration of the association. Unit
2161 owners other than the developer are entitled to elect at least a
2162 majority of the members of the board of administration of an
2163 association, upon the first to occur of any of the following
2164 events:

2165 (a) Three years after 50 percent of the units that will be
2166 operated ultimately by the association have been conveyed to
2167 purchasers;

2168 (b) Three months after 90 percent of the units that will
2169 be operated ultimately by the association have been conveyed to
2170 purchasers;

2171 (c) When all the units that will be operated ultimately by
2172 the association have been completed, some of them have been
2173 conveyed to purchasers, and none of the others are being offered
2174 for sale by the developer in the ordinary course of business;

2175 (d) When some of the units have been conveyed to

2176 purchasers and none of the others are being constructed or
2177 offered for sale by the developer in the ordinary course of
2178 business;

2179 (e) When the developer files a petition seeking protection
2180 in bankruptcy;

2181 (f) When a receiver for the developer is appointed by a
2182 circuit court and is not discharged within 30 days after such
2183 appointment, unless the court determines within 30 days after
2184 appointment of the receiver that transfer of control would be
2185 detrimental to the association or its members; or

2186 (g) Seven years after the date of the recording of the
2187 certificate of a surveyor and mapper pursuant to s.
2188 718.104(4)(e) or the recording of an instrument that transfers
2189 title to a unit in the condominium which is not accompanied by a
2190 recorded assignment of developer rights in favor of the grantee
2191 of such unit, whichever occurs first; or, in the case of an
2192 association that may ultimately operate more than one
2193 condominium, 7 years after the date of the recording of the
2194 certificate of a surveyor and mapper pursuant to s.
2195 718.104(4)(e) or the recording of an instrument that transfers
2196 title to a unit which is not accompanied by a recorded
2197 assignment of developer rights in favor of the grantee of such
2198 unit, whichever occurs first, for the first condominium it
2199 operates; or, in the case of an association operating a phase
2200 condominium created pursuant to s. 718.403, 7 years after the

2201 date of the recording of the certificate of a surveyor and
 2202 mapper pursuant to s. 718.104(4)(e) or the recording of an
 2203 instrument that transfers title to a unit which is not
 2204 accompanied by a recorded assignment of developer rights in
 2205 favor of the grantee of such unit, whichever occurs first.

2206
 2207 The developer is entitled to elect at least one member of the
 2208 board of administration of an association as long as the
 2209 developer holds for sale in the ordinary course of business at
 2210 least 5 percent, in condominiums with fewer than 500 units, and
 2211 2 percent, in condominiums with more than 500 units, of the
 2212 units in a condominium operated by the association. After the
 2213 developer relinquishes control of the association, the developer
 2214 may exercise the right to vote any developer-owned units in the
 2215 same manner as any other unit owner except for purposes of
 2216 reacquiring control of the association or selecting the majority
 2217 members of the board of administration. Beginning July 1, 2025,
 2218 paragraphs (a), (c), (d), and (g) do not apply to nonresidential
 2219 condominiums comprised of 10 or fewer units.

2220 **Section 12. Paragraphs (a) and (b) of subsection (1) of**
 2221 **section 718.302, Florida Statutes, are amended to read:**

2222 718.302 Agreements entered into by the association.—

2223 (1) Any grant or reservation made by a declaration, lease,
 2224 or other document, and any contract made by an association prior
 2225 to assumption of control of the association by unit owners other

2226 | than the developer, that provides for operation, maintenance, or
 2227 | management of a condominium association or property serving the
 2228 | unit owners of a condominium shall be fair and reasonable, and
 2229 | such grant, reservation, or contract may be canceled by unit
 2230 | owners other than the developer:

2231 | (a) If the association operates only one condominium and
 2232 | the unit owners other than the developer have assumed control of
 2233 | the association, or if unit owners other than the developer own
 2234 | at least ~~not less than~~ 75 percent of the voting interests in the
 2235 | condominium or 90 percent of the voting interests if the
 2236 | condominium is a nonresidential condominium consisting of 10 or
 2237 | fewer units, the cancellation must ~~shall~~ be by concurrence of
 2238 | the owners of at least ~~not less than~~ 75 percent of the voting
 2239 | interests other than the voting interests owned by the
 2240 | developer. If a grant, reservation, or contract is so canceled
 2241 | and the unit owners other than the developer have not assumed
 2242 | control of the association, the association must ~~shall~~ make a
 2243 | new contract or otherwise provide for maintenance, management,
 2244 | or operation in lieu of the canceled obligation, at the
 2245 | direction of the owners of not less than a majority of the
 2246 | voting interests in the condominium other than the voting
 2247 | interests owned by the developer.

2248 | (b) If the association operates more than one condominium
 2249 | and the unit owners other than the developer have not assumed
 2250 | control of the association, and if unit owners other than the

2251 developer own at least 75 percent of the voting interests in the
 2252 condominiums ~~a condominium~~ operated by the association or,
 2253 beginning July 1, 2025, 90 percent of the voting interests if
 2254 the condominium is a nonresidential condominium consisting of 10
 2255 or fewer units, any grant, reservation, or contract for
 2256 maintenance, management, or operation of buildings containing
 2257 the units in that condominium or of improvements used only by
 2258 unit owners of that condominium may be canceled by concurrence
 2259 of the owners of at least 75 percent, or 90 percent if the
 2260 condominium is a nonresidential condominium consisting of 10 or
 2261 fewer units, of the voting interests in the condominium other
 2262 than the voting interests owned by the developer. A ~~No~~ grant,
 2263 reservation, or contract for maintenance, management, or
 2264 operation of recreational areas or any other property serving
 2265 more than one condominium, and operated by more than one
 2266 association, may not be canceled except pursuant to paragraph
 2267 (d).

2268 **Section 13. Subsection (4) of section 718.407, Florida**
 2269 **Statutes, is amended to read:**

2270 718.407 Condominiums created within a portion of a
 2271 building or within a multiple parcel building.—

2272 (4) (a) The association of a condominium subject to this
 2273 section may inspect and copy the books and records upon which
 2274 the costs for maintaining and operating the shared facilities
 2275 are based, and must ~~to~~ receive an annual budget with respect to

2276 such costs.

2277 (b) Within 60 days after the end of each fiscal year, a
2278 complete financial report of all costs for maintaining and
2279 operating the shared facilities must be provided to the
2280 association. Such report must include copies of all receipts and
2281 invoices.

2282 (c) Within 60 days after receipt of the financial report,
2283 the association may challenge any apportionment of costs for the
2284 maintenance and operation of the shared facilities. A challenge
2285 under this paragraph is governed by s. 720.311.

2286 **Section 14. Paragraph (d) of subsection (1) and paragraphs**
2287 **(d) and (e) of subsection (2) of section 718.503, Florida**
2288 **Statutes, are amended to read:**

2289 718.503 Developer disclosure prior to sale; nondeveloper
2290 unit owner disclosure prior to sale; voidability.—

2291 (1) DEVELOPER DISCLOSURE.—

2292 (d) Milestone inspection, turnover inspection report, or
2293 structural integrity reserve study.—If the association is
2294 required to have completed a milestone inspection as described
2295 in s. 553.899, a turnover inspection report for a turnover
2296 inspection performed on or after July 1, 2023, or a structural
2297 integrity reserve study, and the association has not completed
2298 the milestone inspection, the turnover inspection report, or the
2299 structural integrity reserve study, each contract entered into
2300 after December 31, 2024, for the sale of a residential unit

2301 shall contain in conspicuous type a statement indicating that
2302 the association is required to have a milestone inspection, a
2303 turnover inspection report, or a structural integrity reserve
2304 study and has not completed such inspection, report, or study,
2305 as appropriate. If the association is not required to have a
2306 milestone inspection as described in s. 553.899 or a structural
2307 integrity reserve study, each contract entered into after
2308 December 31, 2024, for the sale of a residential unit shall
2309 contain in conspicuous type a statement indicating that the
2310 association is not required to have a milestone inspection or a
2311 structural integrity reserve study, as appropriate. If the
2312 association has completed a milestone inspection as described in
2313 s. 553.899, a turnover inspection report for a turnover
2314 inspection performed on or after July 1, 2023, or a structural
2315 integrity reserve study, each contract entered into after
2316 December 31, 2024, for the sale of a residential unit shall
2317 contain in conspicuous type:

2318 1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES
2319 THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE INSPECTOR-
2320 PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED
2321 IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF
2322 THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION
2323 718.301(4)(p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A
2324 COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY
2325 RESERVE STUDY DESCRIBED IN SECTIONS 718.103 ~~718.103(26)~~ AND

2326 718.112(2)(g), FLORIDA STATUTES, IF APPLICABLE, MORE THAN 15
 2327 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, PRIOR TO
 2328 EXECUTION OF THIS CONTRACT; or ~~and~~

2329 2. A clause which states: THIS AGREEMENT IS VOIDABLE BY
 2330 BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO
 2331 CANCEL WITHIN 15 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL
 2332 HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE
 2333 BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE INSPECTOR-
 2334 PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED
 2335 IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF
 2336 THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION
 2337 718.301(4)(p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A
 2338 COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY
 2339 RESERVE STUDY DESCRIBED IN SECTIONS 718.103 ~~718.103(26)~~ AND
 2340 718.112(2)(g), FLORIDA STATUTES, IF APPLICABLE. ANY PURPORTED
 2341 WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER
 2342 MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 15
 2343 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER
 2344 THE BUYER RECEIVES A CURRENT COPY OF THE INSPECTOR-PREPARED
 2345 SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN
 2346 SECTION 553.899, FLORIDA STATUTES; A COPY OF THE TURNOVER
 2347 INSPECTION REPORT DESCRIBED IN SECTION 718.301(4)(p) AND (q),
 2348 FLORIDA STATUTES; OR A COPY OF THE ASSOCIATION'S MOST RECENT
 2349 STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS 718.103
 2350 ~~718.103(26)~~ AND 718.112(2)(g), FLORIDA STATUTES, IF REQUESTED IN

2351 WRITING. BUYER'S RIGHT TO VOID THIS AGREEMENT SHALL TERMINATE AT
 2352 CLOSING.

2353
 2354 A contract that does not conform to the requirements of this
 2355 paragraph is voidable at the option of the purchaser prior to
 2356 closing.

2357 (2) NONDEVELOPER DISCLOSURE.—

2358 (d) Each contract entered into after July 1, 1992, for the
 2359 resale of a residential unit shall contain in conspicuous type
 2360 either:

2361 1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES
 2362 THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE DECLARATION
 2363 OF CONDOMINIUM, ARTICLES OF INCORPORATION OF THE ASSOCIATION,
 2364 BYLAWS AND RULES OF THE ASSOCIATION, A COPY OF THE MOST RECENT
 2365 ANNUAL FINANCIAL STATEMENT AND ANNUAL BUDGET, AND FREQUENTLY
 2366 ASKED QUESTIONS AND ANSWERS DOCUMENT MORE THAN 3 DAYS, EXCLUDING
 2367 SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, PRIOR TO EXECUTION OF
 2368 THIS CONTRACT; or

2369 2. A clause which states: THIS AGREEMENT IS VOIDABLE BY
 2370 BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO
 2371 CANCEL WITHIN 3 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL
 2372 HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE
 2373 BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE DECLARATION
 2374 OF CONDOMINIUM, ARTICLES OF INCORPORATION, BYLAWS AND RULES OF
 2375 THE ASSOCIATION, A COPY OF THE MOST RECENT ANNUAL FINANCIAL

2376 STATEMENT AND ANNUAL BUDGET, AND FREQUENTLY ASKED QUESTIONS AND
 2377 ANSWERS DOCUMENT IF SO REQUESTED IN WRITING. ANY PURPORTED
 2378 WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER
 2379 MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 3
 2380 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER
 2381 THE BUYER RECEIVES THE DECLARATION, ARTICLES OF INCORPORATION,
 2382 BYLAWS AND RULES OF THE ASSOCIATION, AND A COPY OF THE MOST
 2383 RECENT ANNUAL FINANCIAL STATEMENT AND ANNUAL BUDGET ~~YEAR-END~~
 2384 ~~FINANCIAL INFORMATION~~ AND FREQUENTLY ASKED QUESTIONS AND ANSWERS
 2385 DOCUMENT IF REQUESTED IN WRITING. BUYER'S RIGHT TO VOID THIS
 2386 AGREEMENT SHALL TERMINATE AT CLOSING.

2387
 2388 A contract that does not conform to the requirements of this
 2389 paragraph is voidable at the option of the purchaser before
 2390 ~~prior to~~ closing.

2391 (e) If the association is required to have completed a
 2392 milestone inspection as described in s. 553.899, a turnover
 2393 inspection report for a turnover inspection performed on or
 2394 after July 1, 2023, or a structural integrity reserve study, and
 2395 the association has not completed the milestone inspection, the
 2396 turnover inspection report, or the structural integrity reserve
 2397 study, each contract entered into after December 31, 2024, for
 2398 the sale of a residential unit shall contain in conspicuous type
 2399 a statement indicating that the association is required to have
 2400 a milestone inspection, a turnover inspection report, or a

2401 structural integrity reserve study and has not completed such
2402 inspection, report, or study, as appropriate. If the association
2403 is not required to have a milestone inspection as described in
2404 s. 553.899 or a structural integrity reserve study, each
2405 contract entered into after December 31, 2024, for the sale of a
2406 residential unit shall contain in conspicuous type a statement
2407 indicating that the association is not required to have a
2408 milestone inspection or a structural integrity reserve study, as
2409 appropriate. If the association has completed a milestone
2410 inspection as described in s. 553.899, a turnover inspection
2411 report for a turnover inspection performed on or after July 1,
2412 2023, or a structural integrity reserve study, each contract
2413 entered into after December 31, 2024, for the resale of a
2414 residential unit shall contain in conspicuous type:

2415 1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES
2416 THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE INSPECTOR-
2417 PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED
2418 IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF
2419 THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION
2420 718.301(4)(p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A
2421 COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY
2422 RESERVE STUDY DESCRIBED IN SECTIONS 718.103 ~~718.103(26)~~ AND
2423 718.112(2)(g), FLORIDA STATUTES, IF APPLICABLE, MORE THAN 3
2424 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, PRIOR TO
2425 EXECUTION OF THIS CONTRACT; or ~~and~~

2426 2. A clause which states: THIS AGREEMENT IS VOIDABLE BY
2427 BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO
2428 CANCEL WITHIN 3 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL
2429 HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE
2430 BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE INSPECTOR-
2431 PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED
2432 IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF
2433 THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION
2434 718.301(4)(p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A
2435 COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY
2436 RESERVE STUDY DESCRIBED IN SECTIONS 718.103 ~~718.103(26)~~ AND
2437 718.112(2)(g), FLORIDA STATUTES, IF APPLICABLE. ANY PURPORTED
2438 WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER
2439 MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 3
2440 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER
2441 THE BUYER RECEIVES A CURRENT COPY OF THE INSPECTOR-PREPARED
2442 SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN
2443 SECTION 553.899, FLORIDA STATUTES; A COPY OF THE TURNOVER
2444 INSPECTION REPORT DESCRIBED IN SECTION 718.301(4)(p) AND (q),
2445 FLORIDA STATUTES; OR A COPY OF THE ASSOCIATION'S MOST RECENT
2446 STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS 718.103
2447 ~~718.103(26)~~ AND 718.112(2)(g), FLORIDA STATUTES, IF REQUESTED IN
2448 WRITING. BUYER'S RIGHT TO VOID THIS AGREEMENT SHALL TERMINATE AT
2449 CLOSING.
2450

2451 A contract that does not conform to the requirements of this
2452 paragraph is voidable at the option of the purchaser before
2453 ~~prior to~~ closing.

2454 **Section 15. Section 31 of chapter 2024-244, 2024 Laws of**
2455 **Florida, is amended to read:**

2456 Section 31. The amendments made to ss. 718.103(14) and
2457 718.202(3) and s. 718.407(1), (2), and (6), Florida Statutes, as
2458 created by this act, are intended to clarify existing law and
2459 shall apply retroactively. However, such amendments do not
2460 revive or reinstate any right or interest in a matter pending
2461 adjudication ~~that has been fully and finally adjudicated as~~
2462 ~~invalid~~ before October 1, 2024.

2463 **Section 16.** This act shall take effect July 1, 2025.