

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; requiring an  
27 association to post the adopted minutes of certain  
28 meetings on the association's website or application;  
29 amending s. 718.112, F.S.; authorizing an association  
30 to adopt written reasonable rules governing unit owner  
31 questions at a meeting; authorizing an association  
32 operating a nonresidential condominium to provide for  
33 different voting and election procedures; authorizing  
34 the board of an association to pause or reduce  
35 contributions to its reserves without requiring  
36 approval from the members of the association;  
37 authorizing a majority of the total voting interests  
38 of certain associations to approve the provision of a  
39 specified line of credit to be used for certain  
40 purposes; authorizing an association's reserve  
41 accounts to be pooled; specifying that a conflict of  
42 interest exists if the person conducting a structural  
43 integrity reserve study or milestone inspection  
44 provides or contracts to provide repair or replacement  
45 services on certain property; revising applicability;  
46 requiring the Department of Business and Professional  
47 Regulation to initiate rulemaking by a specified date  
48 for a certain purpose; prohibiting the suspension of a  
49 voting interest of a condominium when voting to recall  
50 a member of the board of administration; prohibiting

51 any prior suspension of voting rights from having any  
52 effect; removing certain provisions relating to the  
53 method for recalling members of the board; requiring  
54 that a recall agreement be served on the association  
55 by registered mail, rather than by certified mail or  
56 by personal service; providing that service must be  
57 provided in a specified manner to be valid; providing  
58 that a rejection of a unit owner's recall agreement  
59 applies under certain circumstances; providing that  
60 there is a rebuttable presumption that a unit owner  
61 executing a recall agreement is the designated voter  
62 for the unit; prohibiting an association from  
63 enforcing a voting certificate requirement under  
64 certain circumstances; requiring that a rescission or  
65 revocation of a unit owner's recall agreement be in  
66 writing and delivered to the association before an  
67 association is served with the written recall  
68 agreement; providing construction; revising the  
69 timeframe in which a certain petition or action must  
70 be filed; requiring that an association be named as  
71 the respondent in such petition or action; revising  
72 the timeframe in which the Division of Florida  
73 Condominiums, Timeshares, and Mobile Homes or a court  
74 may not accept a recall petition or a court action;  
75 providing that a director or an officer is delinquent

76 | if payment is not made by a specified due date  
77 | identified in the declarations, bylaws, or articles of  
78 | incorporation; providing that a payment is delinquent  
79 | on the first day of the assessment period if no  
80 | specified due date is in the declarations, bylaws, or  
81 | articles of incorporation; amending s. 718.113, F.S.;  
82 | requiring the board to determine whose responsibility  
83 | it is to pay for removal or reinstallation of  
84 | hurricane protection; removing authorization for an  
85 | association to enforce and collect certain charges as  
86 | assessments; amending s. 718.116, F.S.; providing  
87 | legislative findings; authorizing the board of an  
88 | association to levy special assessments for certain  
89 | purposes without approval of the membership; providing  
90 | applicability; amending s. 718.117, F.S.; authorizing  
91 | termination of a condominium if the estimated costs of  
92 | replacement, in addition to certain construction or  
93 | repair costs, exceed the estimated fair market value  
94 | of the units; requiring approval for termination of a  
95 | condominium by a specified percentage of the voting  
96 | interests under certain circumstances; removing  
97 | provision prohibiting a plan of termination if a  
98 | certain percentage of the total voting interests  
99 | reject the plan; specifying how members can reject a  
100 | plan of termination; providing that certain provisions

101 relating to a plan of termination apply to residential  
102 condominiums only; requiring a plan of termination to  
103 be approved by the division; authorizing condominiums  
104 to amend their declarations by a specified vote to  
105 include certain provisions of statutory law; providing  
106 additional reasons a unit owner or lienor can contest  
107 the apportionment of proceed from a sale of the  
108 condominium; amending s. 718.1255, F.S.; providing  
109 requirements for bringing an action to challenge an  
110 election or a recall; authorizing certain persons to  
111 file a notice of removal and complaint in circuit  
112 court within a specified timeframe after service of a  
113 petition to arbitrate an election or recall disputes;  
114 barring actions that are not timely filed and  
115 rendering the arbitration decision final; providing  
116 requirements for filing a notice of removal and  
117 complaint and bringing an action to challenge the  
118 arbitration decision; specifying the sole method in  
119 which the division or court may award costs and  
120 attorney fees in a dispute involving the recall of a  
121 director; amending s. 718.128, F.S.; removing a  
122 requirement for written notice of certain meetings;  
123 requiring, after a specified percentage of voting  
124 interests adopts a resolution, a board to hold a  
125 meeting within a certain timeframe; requiring a board

126 to receive a petition to adopt a resolution within a  
127 certain timeframe; requiring an association to have a  
128 designated e-mail address for receipt of ballots  
129 transmitted electronically; providing requirements for  
130 electronically transmitting a ballot; providing a  
131 presumption; amending s. 718.203, F.S.; providing that  
132 all condominiums, not just residential, can be covered  
133 by an insured warranty program; amending s. 718.301,  
134 F.S.; providing that certain provisions of law  
135 relating to transfer of control of an association do  
136 not apply to certain residential condominiums  
137 beginning on a specified date; amending s. 718.302,  
138 F.S.; providing that if unit owners own a specified  
139 percentage of voting interests in certain condominiums  
140 that certain agreements may be cancelled by the unit  
141 owners; amending s. 718.407, F.S.; requiring that a  
142 specified report be provided to an association within  
143 a certain amount of time after the end of the fiscal  
144 year; requiring copies of receipts and invoices be  
145 included with the report; authorizing an association  
146 to challenge the apportionment of certain costs of the  
147 shared facilities within a certain amount of time;  
148 providing construction; amending s. 718.503, F.S.;  
149 requiring a developer or unit owner to provide one  
150 notice, instead of two, to a buyer before the sale of

151 a unit; requiring a unit owner to provide the most  
 152 recent annual financial statement and annual budget to  
 153 a buyer before the sale of a unit; amending ch. 2024-  
 154 244, Laws of Florida; providing that certain  
 155 amendments that were made to the Condominium Act do  
 156 not revive, reinstate, or retroactively apply to a  
 157 right or interest of a condominium unit owner or  
 158 condominium association in a matter pending  
 159 adjudication before a specified date; providing  
 160 effective dates.

161

162 Be It Enacted by the Legislature of the State of Florida:

163

164 **Section 1. Paragraph (a) of subsection (6) of section**  
 165 **627.351, Florida Statutes, is amended to read:**

166 627.351 Insurance risk apportionment plans.—

167 (6) CITIZENS PROPERTY INSURANCE CORPORATION.—

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

171 1. The Legislature finds that private insurers are  
 172 unwilling or unable to provide affordable property insurance  
 173 coverage in this state to the extent sought and needed. The  
 174 absence of affordable property insurance threatens the public  
 175 health, safety, and welfare and likewise threatens the economic

176 health of the state. The state therefore has a compelling public  
177 interest and a public purpose to assist in assuring that  
178 property in the state is insured and that it is insured at  
179 affordable rates so as to facilitate the remediation,  
180 reconstruction, and replacement of damaged or destroyed property  
181 in order to reduce or avoid the negative effects otherwise  
182 resulting to the public health, safety, and welfare, to the  
183 economy of the state, and to the revenues of the state and local  
184 governments which are needed to provide for the public welfare.  
185 It is necessary, therefore, to provide affordable property  
186 insurance to applicants who are in good faith entitled to  
187 procure insurance through the voluntary market but are unable to  
188 do so. The Legislature intends, therefore, that affordable  
189 property insurance be provided and that it continue to be  
190 provided, as long as necessary, through Citizens Property  
191 Insurance Corporation, a government entity that is an integral  
192 part of the state, and that is not a private insurance company.  
193 To that end, the corporation shall strive to increase the  
194 availability of affordable property insurance in this state,  
195 while achieving efficiencies and economies, and while providing  
196 service to policyholders, applicants, and agents which is no  
197 less than the quality generally provided in the voluntary  
198 market, for the achievement of the foregoing public purposes.  
199 Because it is essential for this government entity to have the  
200 maximum financial resources to pay claims following a



201 catastrophic hurricane, it is the intent of the Legislature that  
202 the corporation continue to be an integral part of the state and  
203 that the income of the corporation be exempt from federal income  
204 taxation and that interest on the debt obligations issued by the  
205 corporation be exempt from federal income taxation.

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

226 3. With respect to coverage for personal lines residential  
227 structures:

228 a. Effective January 1, 2017, a structure that has a  
229 dwelling replacement cost of \$700,000 or more, or a single  
230 condominium unit that has a combined dwelling and contents  
231 replacement cost of \$700,000 or more, is not eligible for  
232 coverage by the corporation.

233 b. The requirements of sub-subparagraph a. do not apply in  
234 counties where the office determines there is not a reasonable  
235 degree of competition. In such counties a personal lines  
236 residential structure that has a dwelling replacement cost of  
237 less than \$1 million, or a single condominium unit that has a  
238 combined dwelling and contents replacement cost of less than \$1  
239 million, is eligible for coverage by the corporation.

240 4. It is the intent of the Legislature that policyholders,  
241 applicants, and agents of the corporation receive service and  
242 treatment of the highest possible level but never less than that  
243 generally provided in the voluntary market. It is also intended  
244 that the corporation be held to service standards no less than  
245 those applied to insurers in the voluntary market by the office  
246 with respect to responsiveness, timeliness, customer courtesy,  
247 and overall dealings with policyholders, applicants, or agents  
248 of the corporation.

249 5.a. Effective January 1, 2009, a personal lines  
250 residential structure that is located in the "wind-borne debris

251 region," as defined in s. 1609.2, International Building Code  
252 (2006), and that has an insured value on the structure of  
253 \$750,000 or more is not eligible for coverage by the corporation  
254 unless the structure has opening protections as required under  
255 the Florida Building Code for a newly constructed residential  
256 structure in that area. A residential structure is deemed to  
257 comply with this sub-subparagraph if it has shutters or opening  
258 protections on all openings and if such opening protections  
259 complied with the Florida Building Code at the time they were  
260 installed.

261 b. Any major structure, as defined in s. 161.54(6)(a),  
262 that is newly constructed, or rebuilt, repaired, restored, or  
263 remodeled to increase the total square footage of finished area  
264 by more than 25 percent, pursuant to a permit applied for after  
265 July 1, 2015, is not eligible for coverage by the corporation if  
266 the structure is seaward of the coastal construction control  
267 line established pursuant to s. 161.053 or is within the Coastal  
268 Barrier Resources System as designated by 16 U.S.C. ss. 3501-  
269 3510.

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

275 7. The corporation may not issue or renew an insurance

276 policy for a condominium unit owner or a condominium association  
277 unless the condominium association has complied with the  
278 inspection requirements in ss. 553.899 and 718.112(2)(g).

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

281 718.110 Amendment of declaration; correction of error or  
282 omission in declaration by circuit court.—

283 (4) (a) Subject to paragraph (b), unless otherwise provided  
284 in the declaration as originally recorded, an ~~ne~~ amendment may  
285 not change the configuration or size of any unit in any material  
286 fashion, materially alter or modify the appurtenances to the  
287 unit, or change the proportion or percentage by which the unit  
288 owner shares the common expenses of the condominium and owns the  
289 common surplus of the condominium unless the record owner of the  
290 unit and all record owners of liens on the unit join in the  
291 execution of the amendment and unless all the record owners of  
292 all other units in the same condominium approve the amendment.  
293 The acquisition of property by the association and material  
294 alterations or substantial additions to such property or the  
295 common elements by the association in accordance with s.  
296 718.111(7) or s. 718.113, and amendments providing for the  
297 transfer of use rights in limited common elements pursuant to s.  
298 718.106(2)(b) may not be considered ~~shall not be deemed to~~  
299 ~~constitute~~ a material alteration or modification of the  
300 appurtenances to the units. Except as provided in paragraph (b),

301 a declaration recorded after April 1, 1992, may not require the  
302 approval of less than a majority of total voting interests of  
303 the condominium for amendments under this subsection, unless  
304 otherwise required by a governmental entity.

305 (b) Notwithstanding subsection (14), the declaration of a  
306 nonresidential condominium formed on or after July 1, 2025, may  
307 be amended to change the configuration or size of a unit in any  
308 material fashion, materially alter or modify the appurtenances  
309 to the unit, or change the proportion or percentage by which the  
310 unit owner shares the common expenses of the condominium and  
311 owns the common surplus of the condominium, if the record owners  
312 of all affected units and all record owners of liens on the  
313 affected units join in the execution of the amendment. The  
314 approval of the record owners of the nonaffected units in such  
315 condominium is not required.

316 (10) If there is an omission or error in a declaration of  
317 condominium, or any other document required to establish the  
318 condominium, and the omission or error would affect the valid  
319 existence of the condominium, the circuit court may entertain a  
320 petition of one or more of the unit owners in the condominium,  
321 or of the association, to correct the error or omission, and the  
322 action may be a class action. The court may require that one or  
323 more methods of correcting the error or omission be submitted to  
324 the unit owners to determine the most acceptable correction. All  
325 unit owners, the association, and the mortgagees of a first

326 mortgage of record must be joined as parties to the action.  
327 Service of process on unit owners may be by publication, but the  
328 plaintiff must furnish every unit owner not personally served  
329 with process with a copy of the petition and final decree of the  
330 court by certified mail, return receipt requested, at the unit  
331 owner's ~~last known residence~~ address as reflected in the  
332 association's official records. If an action to determine  
333 whether the declaration or another condominium document complies  
334 with the mandatory requirements for the formation of a  
335 condominium is not brought within 3 years of the recording of  
336 the certificate of a surveyor and mapper pursuant to s.  
337 718.104(4)(e) or the recording of an instrument that transfers  
338 title to a unit in the condominium which is not accompanied by a  
339 recorded assignment of developer rights in favor of the grantee  
340 of such unit, whichever occurs first, the declaration and other  
341 documents will effectively create a condominium, as of the date  
342 the declaration was recorded, regardless of whether the  
343 documents substantially comply with the mandatory requirements  
344 of law. However, both before and after the expiration of this 3-  
345 year period, the circuit court has jurisdiction to entertain a  
346 petition permitted under this subsection for the correction of  
347 the documentation, and other methods of amendment may be  
348 utilized to correct the errors or omissions at any time.

349 **Section 3. Paragraph (a) of subsection (11), paragraphs**  
350 **(a) and (c) of subsection (12), and subsection (13) of section**

351 **718.111, Florida Statutes, are amended, and subsection (16) is**  
 352 **added to that section, to read:**

353 718.111 The association.—

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

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

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

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

376 based on the replacement cost of the property to be insured as  
377 determined by an independent insurance appraisal or update of a  
378 previous appraisal. The replacement cost of property covered  
379 must be determined every 3 years, at a minimum.

380 3.2. The association's obligation to obtain and  
381 ~~association may also~~ provide adequate property insurance  
382 coverage for a group of at least three communities created and  
383 operating under this chapter, chapter 719, chapter 720, or  
384 chapter 721 may be satisfied by obtaining and maintaining for  
385 such communities insurance coverage sufficient to cover an  
386 amount equal to the probable maximum loss for the communities  
387 for a 250-year windstorm event.

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

391 b. A policy or program providing such coverage may not be  
392 issued or renewed after July 1, 2008, unless it has been  
393 reviewed and approved by the Office of Insurance Regulation. The  
394 review and approval must include approval of the policy and  
395 related forms pursuant to ss. 627.410 and 627.411, approval of  
396 the rates pursuant to s. 627.062, a determination that the loss  
397 model approved by the commission was accurately and  
398 appropriately applied to the insured structures to determine the  
399 250-year probable maximum loss, and a determination that  
400 complete and accurate disclosure of all material provisions is



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

403 ~~4.3.~~ When determining the adequate amount of property  
 404 insurance coverage, the association may consider deductibles as  
 405 determined by this subsection.

406 (12) OFFICIAL RECORDS.—

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

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

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

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

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

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

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

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

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

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

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

451 | which the association or the unit owners have an obligation or  
452 | responsibility.

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

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

462 | 718.501(1)(e). The accounting records must include, but are not  
463 | limited to:

464 |       a. Accurate, itemized, and detailed records of all  
465 | receipts and expenditures.

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

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

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

476 must be maintained for at least 15 years after the study is  
477 completed.

478 e. All contracts for work to be performed. Bids for work  
479 to be performed are also considered official records and must be  
480 maintained by the association for at least 1 year after receipt  
481 of the bid.

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

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

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

491 15. A copy of the inspection reports described in ss.  
492 553.899 and 718.301(4)(p) and any other inspection report  
493 relating to a structural or life safety inspection of  
494 condominium property. Such record must be maintained by the  
495 association for 15 years after receipt of the report.

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

497 17. All affirmative acknowledgments made pursuant to s.  
498 718.121(4)(c).

499 18. A copy of all building permits.

500 19. A copy of all satisfactorily completed board member

501 educational certificates.

502 20. All other written records of the association not  
503 specifically included in the foregoing which are related to the  
504 operation of the association.

505 (c)1.a. The official records of the association are open  
506 to inspection by any association member and any person  
507 authorized by an association member as a representative of such  
508 member at all reasonable times. The right to inspect the records  
509 includes the right to make or obtain copies, at the reasonable  
510 expense, if any, of the member and of the person authorized by  
511 the association member as a representative of such member. A  
512 renter of a unit has a right to inspect and copy only the  
513 declaration of condominium, the association's bylaws and rules,  
514 and the inspection reports described in ss. 553.899 and  
515 718.301(4)(p). The association may adopt reasonable rules  
516 regarding the frequency, time, location, notice, and manner of  
517 record inspections and copying but may not require a member to  
518 demonstrate any purpose or state any reason for the inspection.  
519 The failure of an association to provide the records within 10  
520 working days after receipt of a written request creates a  
521 rebuttable presumption that the association willfully failed to  
522 comply with this paragraph. A unit owner who is denied access to  
523 official records is entitled to the actual damages or minimum  
524 damages for the association's willful failure to comply. Minimum  
525 damages are \$50 per calendar day for up to 10 days, beginning on

526 the 11th working day after receipt of the written request. The  
527 failure to permit inspection entitles any person prevailing in  
528 an enforcement action to recover reasonable attorney fees from  
529 the person in control of the records who, directly or  
530 indirectly, knowingly denied access to the records. If the  
531 requested records are posted on an association's website, or are  
532 available for download through an application on a mobile  
533 device, the association may fulfill its obligations under this  
534 paragraph by directing to the website or the application all  
535 persons authorized to request access.

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

546 2. A director or member of the board or association or a  
547 community association manager who knowingly and, willfully or  
548 intentionally, ~~and repeatedly~~ violates subparagraph 1. commits a  
549 misdemeanor of the second degree, punishable as provided in s.  
550 775.082 or s. 775.083, and must be removed from office and a

551 vacancy declared. ~~For purposes of this subparagraph, the term~~  
552 ~~"repeatedly" means two or more violations within a 12-month~~  
553 ~~period.~~

554 3. Any person who willfully and knowingly or intentionally  
555 defaces or destroys accounting records that are required by this  
556 chapter to be maintained during the period for which such  
557 records are required to be maintained, or who willfully and  
558 knowingly or intentionally fails to create or maintain  
559 accounting records that are required to be created or  
560 maintained, with the intent of causing harm to the association  
561 or one or more of its members, commits a misdemeanor of the  
562 first degree, punishable as provided in s. 775.082 or s.  
563 775.083; is personally subject to a civil penalty pursuant to s.  
564 718.501(1)(d); and must be removed from office and a vacancy  
565 declared.

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

574 5. The association shall maintain an adequate number of  
575 copies of the declaration, articles of incorporation, bylaws,

576 and rules, and all amendments to each of the foregoing, as well  
577 as the question and answer sheet as described in s. 718.504 and  
578 the most recent annual financial statement and annual budget  
579 ~~year-end financial information~~ required under this section, on  
580 the condominium property to ensure their availability to unit  
581 owners and prospective purchasers, and may charge its actual  
582 costs for preparing and furnishing these documents to those  
583 requesting the documents. An association shall allow a member or  
584 his or her authorized representative to use a portable device,  
585 including a smartphone, tablet, portable scanner, or any other  
586 technology capable of scanning or taking photographs, to make an  
587 electronic copy of the official records in lieu of the  
588 association's providing the member or his or her authorized  
589 representative with a copy of such records. The association may  
590 not charge a member or his or her authorized representative for  
591 the use of a portable device. Notwithstanding this paragraph,  
592 the following records are not accessible to unit owners:

593       a. Any record protected by the lawyer-client privilege as  
594 described in s. 90.502 and any record protected by the work-  
595 product privilege, including a record prepared by an association  
596 attorney or prepared at the attorney's express direction, which  
597 reflects a mental impression, conclusion, litigation strategy,  
598 or legal theory of the attorney or the association, and which  
599 was prepared exclusively for civil or criminal litigation or for  
600 adversarial administrative proceedings, or which was prepared in



601 anticipation of such litigation or proceedings until the  
602 conclusion of the litigation or proceedings.

603 b. Information obtained by an association in connection  
604 with the approval of the lease, sale, or other transfer of a  
605 unit.

606 c. Personnel records of association or management company  
607 employees, including, but not limited to, disciplinary, payroll,  
608 health, and insurance records. For purposes of this sub-  
609 subparagraph, the term "personnel records" does not include  
610 written employment agreements with an association employee or  
611 management company, or budgetary or financial records that  
612 indicate the compensation paid to an association employee.

613 d. Medical records of unit owners.

614 e. Social security numbers, driver license numbers, credit  
615 card numbers, e-mail addresses, telephone numbers, facsimile  
616 numbers, emergency contact information, addresses of a unit  
617 owner other than as provided to fulfill the association's notice  
618 requirements, and other personal identifying information of any  
619 person, excluding the person's name, unit designation, mailing  
620 address, property address, and any address, e-mail address, or  
621 facsimile number provided to the association to fulfill the  
622 association's notice requirements. Notwithstanding the  
623 restrictions in this sub-subparagraph, an association may print  
624 and distribute to unit owners a directory containing the name,  
625 unit address, and all telephone numbers of each unit owner.

626 However, an owner may exclude his or her telephone numbers from  
627 the directory by so requesting in writing to the association. An  
628 owner may consent in writing to the disclosure of other contact  
629 information described in this sub-subparagraph. The association  
630 is not liable for the inadvertent disclosure of information that  
631 is protected under this sub-subparagraph if the information is  
632 included in an official record of the association and is  
633 voluntarily provided by an owner and not requested by the  
634 association.

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

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

641 h. All affirmative acknowledgments made pursuant to s.  
642 718.121(4)(c).

643 (13) FINANCIAL REPORTING.—Within 90 days after the end of  
644 the fiscal year, or annually on a date provided in the bylaws,  
645 the association shall prepare and complete, or contract for the  
646 preparation and completion of, a financial report for the  
647 preceding fiscal year. Within 21 days after the final financial  
648 report is completed by the association or received from the  
649 third party, but not later than 120 days after the end of the  
650 fiscal year or other date as provided in the bylaws, the

651 association shall deliver to each unit owner by United States  
652 mail or personal delivery at the mailing address, property  
653 address, e-mail address, or facsimile number provided to fulfill  
654 the association's notice requirements, a copy of the most recent  
655 financial report, ~~and a notice that a copy of the most recent~~  
656 ~~financial report will be mailed or hand delivered to the unit~~  
657 ~~owner, without charge, within 5 business days after receipt of a~~  
658 ~~written request from the unit owner.~~ The division shall adopt  
659 rules setting forth uniform accounting principles and standards  
660 to be used by all associations and addressing the financial  
661 reporting requirements for multicondominium associations. The  
662 rules must include, but not be limited to, standards for  
663 presenting a summary of association reserves, including a good  
664 faith estimate disclosing the annual amount of reserve funds  
665 that would be necessary for the association to fully fund  
666 reserves for each reserve item based on the straight-line  
667 accounting method. This disclosure is not applicable to reserves  
668 funded via the pooling method. In adopting such rules, the  
669 division shall consider the number of members and annual  
670 revenues of an association. Financial reports shall be prepared  
671 as follows:

672 (a) An association that meets the criteria of this  
673 paragraph shall prepare a complete set of financial statements  
674 in accordance with generally accepted accounting principles. The  
675 financial statements must be based upon the association's total

676 annual revenues, as follows:

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

680 2. An association with total annual revenues of at least  
681 \$300,000, but less than \$500,000, shall prepare reviewed  
682 financial statements.

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

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

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

700 (c) An association may prepare, without a meeting of or

701 approval by the unit owners:

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

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

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

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

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

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

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

721  
722 Such meeting and approval must occur before the end of the  
723 fiscal year and is effective only for the fiscal year in which  
724 the vote is taken. An association may not prepare a financial  
725 report pursuant to this paragraph for consecutive fiscal years.

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

741 (e) A unit owner may provide written notice to the  
742 division of the association's failure to mail or hand deliver  
743 him or her a copy of the most recent financial report within 5  
744 business days after he or she submitted a written request to the  
745 association for a copy of such report. If the division  
746 determines that the association failed to mail or hand deliver a  
747 copy of the most recent financial report to the unit owner, the  
748 division shall provide written notice to the association that  
749 the association must mail or hand deliver a copy of the most  
750 recent financial report to the unit owner and the division

751 within 5 business days after it receives such notice from the  
752 division. An association that fails to comply with the  
753 division's request may not waive the financial reporting  
754 requirement provided in paragraph (d) for the fiscal year in  
755 which the unit owner's request was made and the following fiscal  
756 year. A financial report received by the division pursuant to  
757 this paragraph shall be maintained, and the division shall  
758 provide a copy of such report to an association member upon his  
759 or her request.

760 (16) SPECIAL ASSESSMENTS AND OBTAINING LOANS.—

761 (a)1. The Legislature finds that:

762 a. Condominiums are created as authorized by statute and  
763 are subject to covenants that encumber the land and restrict the  
764 use of real property.

765 b. In some circumstances, the declaration, articles of  
766 incorporation, or bylaws of an association restrict the  
767 authority of the board of administration to levy special  
768 assessments or to obtain a loan without first receiving approval  
769 of the membership, which may preclude an association from  
770 obtaining immediate funding to carry out its obligations to  
771 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 c. It is contrary to the public policy of this state to  
777 limit the ability of an association to obtain the funds needed  
778 to perform necessary maintenance, repair, or replacement of the  
779 condominium property as required by the milestone inspection  
780 report and structural integrity reserve study report in order to  
781 protect the health and safety of the unit owners and tenants of  
782 the property.

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

791 2. The Legislature further finds that authorizing the  
792 board of administration of an association to meet its fiduciary  
793 duty, to levy special assessments, and to obtain a loan for  
794 necessary maintenance, repair, or replacement of the condominium  
795 property as required by the milestone inspection report and  
796 structural integrity reserve study report in order to protect  
797 the health and safety of the unit owners and tenants of the  
798 property is in the public interest; that requiring an  
799 association to obtain membership approval endangers the public  
800 safety; and that there is a compelling state interest in



801 enabling the board of administration of an association to levy  
802 special assessments and obtain loans to perform necessary  
803 maintenance, repair, or replacement of the condominium property  
804 as required by the milestone inspection report and structural  
805 integrity reserve study report without the approval of the  
806 membership in order to protect the health and safety of the unit  
807 owners and tenants of the property.

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

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

821 **Section 4. Effective January 1, 2026, paragraph (g) of**  
822 **subsection (12) of section 718.111, Florida Statutes, as amended**  
823 **by section 8 of 2024-244, Laws of Florida, is amended to read:**

824 718.111 The association.—

825 (12) OFFICIAL RECORDS.—

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

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

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

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

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

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

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

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

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

859           c. The articles of incorporation of the association, or  
860 other documents creating the association, and each amendment to  
861 the articles of incorporation or other documents. The copy  
862 posted pursuant to this sub-subparagraph must be a copy of the  
863 articles of incorporation filed with the Department of State.

864           d. The rules of the association.

865           e. The adopted minutes of all meetings of the association,  
866 the board of administration, and the unit owners over the  
867 preceding 7 years.

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

876 the bids may be posted.

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

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

882 ~~i.h.~~ The certification of each director required by s.  
883 718.112(2)(d)4.b.

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

889 ~~k.j.~~ Any contract or document regarding a conflict of  
890 interest or possible conflict of interest as provided in ss.  
891 468.4335, 468.436(2)(b)6., and 718.3027(3).

892 ~~l.k.~~ The notice of any unit owner meeting and the agenda  
893 for the meeting, as required by s. 718.112(2)(d)3., no later  
894 than 14 days before the meeting. The notice must be posted in  
895 plain view on the front page of the website or application, or  
896 on a separate subpage of the website or application labeled  
897 "Notices" which is conspicuously visible and linked from the  
898 front page. The association must also post on its website or  
899 application any document to be considered and voted on by the  
900 owners during the meeting or any document listed on the agenda

901 at least 7 days before the meeting at which the document or the  
 902 information within the document will be considered.

903 ~~m.1.~~ Notice of any board meeting, the agenda, and any  
 904 other document required for the meeting as required by s.  
 905 718.112(2)(c), which must be posted no later than the date  
 906 required for notice under s. 718.112(2)(c).

907 ~~n.m.~~ The inspection reports described in ss. 553.899 and  
 908 718.301(4)(p) and any other inspection report relating to a  
 909 structural or life safety inspection of condominium property.

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

912 ~~p.o.~~ Copies of all building permits issued for ongoing or  
 913 planned construction.

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

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

926 restricted nature of such information.

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

931 **Section 5. Paragraphs (c), (d), (f), (g), (l), and (p) of**  
932 **subsection (2) of section 718.112, Florida Statutes, are**  
933 **amended, and paragraph (m) of that subsection is republished, to**  
934 **read:**

935 718.112 Bylaws.—

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

939 (c) Board of administration meetings.—In a residential  
940 condominium association of more than 10 units, the board of  
941 administration shall meet at least once each quarter. At least  
942 four times each year, the meeting ~~agenda~~ must include an  
943 opportunity for members to ask questions of the board, including  
944 questions relating to the status of any construction or repair  
945 projects, the status of all revenue and expenditures during the  
946 current fiscal year, and any other issues affecting the  
947 condominium. Meetings of the board of administration at which a  
948 quorum of the members is present are open to all unit owners.  
949 Members of the board of administration may use e-mail as a means  
950 of communication but may not cast a vote on an association

951 matter via e-mail. A unit owner may tape record or videotape the  
952 meetings. The right to attend such meetings includes the right  
953 to speak at such meetings with reference to all designated  
954 agenda items ~~and the right to ask questions relating to reports~~  
955 ~~on the status of construction or repair projects, the status of~~  
956 ~~revenues and expenditures during the current fiscal year, and~~  
957 ~~other issues affecting the condominium.~~ The division shall adopt  
958 reasonable rules governing the tape recording and videotaping of  
959 the meeting. The association may adopt written reasonable rules  
960 governing the frequency, duration, and manner of unit owner  
961 statements and questions.

962 1. Adequate notice of all board meetings, which must  
963 specifically identify all agenda items, must be posted  
964 conspicuously on the condominium property at least 48 continuous  
965 hours before the meeting except in an emergency. If 20 percent  
966 of the voting interests petition the board to address an item of  
967 business, the board, within 60 days after receipt of the  
968 petition, shall place the item on the agenda at its next regular  
969 board meeting or at a special meeting called for that purpose.  
970 An item not included on the notice may be taken up on an  
971 emergency basis by a vote of at least a majority plus one of the  
972 board members. Such emergency action must be noticed and  
973 ratified at the next regular board meeting. Written notice of a  
974 meeting at which a nonemergency special assessment or an  
975 amendment to rules regarding unit use will be considered must be

976 mailed, delivered, or electronically transmitted to the unit  
977 owners and posted conspicuously on the condominium property at  
978 least 14 days before the meeting. Evidence of compliance with  
979 this 14-day notice requirement must be made by an affidavit  
980 executed by the person providing the notice and filed with the  
981 official records of the association.

982       2. Upon notice to the unit owners, the board shall, by  
983 duly adopted rule, designate a specific location on the  
984 condominium property at which all notices of board meetings must  
985 be posted. If there is no condominium property at which notices  
986 can be posted, notices shall be mailed, delivered, or  
987 electronically transmitted to each unit owner at least 14 days  
988 before the meeting. In lieu of or in addition to the physical  
989 posting of the notice on the condominium property, the  
990 association may, by reasonable rule, adopt a procedure for  
991 conspicuously posting and repeatedly broadcasting the notice and  
992 the agenda on a closed-circuit cable television system serving  
993 the condominium association. However, if broadcast notice is  
994 used in lieu of a notice physically posted on condominium  
995 property, the notice and agenda must be broadcast at least four  
996 times every broadcast hour of each day that a posted notice is  
997 otherwise required under this section. If broadcast notice is  
998 provided, the notice and agenda must be broadcast in a manner  
999 and for a sufficient continuous length of time so as to allow an  
1000 average reader to observe the notice and read and comprehend the



1001 entire content of the notice and the agenda. In addition to any  
1002 of the authorized means of providing notice of a meeting of the  
1003 board, the association may, by rule, adopt a procedure for  
1004 conspicuously posting the meeting notice and the agenda on a  
1005 website serving the condominium association for at least the  
1006 minimum period of time for which a notice of a meeting is also  
1007 required to be physically posted on the condominium property.  
1008 Any rule adopted shall, in addition to other matters, include a  
1009 requirement that the association send an electronic notice in  
1010 the same manner as a notice for a meeting of the members, which  
1011 must include a hyperlink to the website at which the notice is  
1012 posted, to unit owners whose e-mail addresses are included in  
1013 the association's official records.

1014 3. Notice of any meeting in which regular or special  
1015 assessments against unit owners are to be considered must  
1016 specifically state that assessments will be considered and  
1017 provide the estimated cost and description of the purposes for  
1018 such assessments. If an agenda item relates to the approval of a  
1019 contract for goods or services, a copy of the contract must be  
1020 provided with the notice and be made available for inspection  
1021 and copying upon a written request from a unit owner or made  
1022 available on the association's website or through an application  
1023 that can be downloaded on a mobile device.

1024 4. Meetings of a committee to take final action on behalf  
1025 of the board or make recommendations to the board regarding the

1026 association budget are subject to this paragraph. Meetings of a  
 1027 committee that does not take final action on behalf of the board  
 1028 or make recommendations to the board regarding the association  
 1029 budget are subject to this section, unless those meetings are  
 1030 exempted from this section by the bylaws of the association.

1031 5. Notwithstanding any other law, the requirement that  
 1032 board meetings and committee meetings be open to the unit owners  
 1033 does not apply to:

1034 a. Meetings between the board or a committee and the  
 1035 association's attorney, with respect to proposed or pending  
 1036 litigation, if the meeting is held for the purpose of seeking or  
 1037 rendering legal advice; or

1038 b. Board meetings held for the purpose of discussing  
 1039 personnel matters.

1040 (d) Unit owner meetings.—

1041 1. An annual meeting of the unit owners must be held at  
 1042 the location provided in the association bylaws and, if the  
 1043 bylaws are silent as to the location, the meeting must be held  
 1044 within 45 miles of the condominium property. However, such  
 1045 distance requirement does not apply to an association governing  
 1046 a timeshare condominium.

1047 2. Unless the bylaws provide otherwise, a vacancy on the  
 1048 board caused by the expiration of a director's term must be  
 1049 filled by electing a new board member, and the election must be  
 1050 by secret ballot. An election is not required if the number of

1051 vacancies equals or exceeds the number of candidates. For  
1052 purposes of this paragraph, the term "candidate" means an  
1053 eligible person who has timely submitted the written notice, as  
1054 described in sub-subparagraph 4.a., of his or her intention to  
1055 become a candidate. Except in a timeshare or nonresidential  
1056 condominium, or if the staggered term of a board member does not  
1057 expire until a later annual meeting, or if all members' terms  
1058 would otherwise expire but there are no candidates, the terms of  
1059 all board members expire at the annual meeting, and such members  
1060 may stand for reelection unless prohibited by the bylaws. Board  
1061 members may serve terms longer than 1 year if permitted by the  
1062 bylaws or articles of incorporation. A board member may not  
1063 serve more than 8 consecutive years unless approved by an  
1064 affirmative vote of unit owners representing two-thirds of all  
1065 votes cast in the election or unless there are not enough  
1066 eligible candidates to fill the vacancies on the board at the  
1067 time of the vacancy. Only board service that occurs on or after  
1068 July 1, 2018, may be used when calculating a board member's term  
1069 limit. If the number of board members whose terms expire at the  
1070 annual meeting equals or exceeds the number of candidates, the  
1071 candidates become members of the board effective upon the  
1072 adjournment of the annual meeting. Unless the bylaws provide  
1073 otherwise, any remaining vacancies shall be filled by the  
1074 affirmative vote of the majority of the directors making up the  
1075 newly constituted board even if the directors constitute less

1076 | than a quorum or there is only one director. In a residential  
1077 | condominium association of more than 10 units or in a  
1078 | residential condominium association that does not include  
1079 | timeshare units or timeshare interests, co-owners of a unit may  
1080 | not serve as members of the board of directors at the same time  
1081 | unless they own more than one unit or unless there are not  
1082 | enough eligible candidates to fill the vacancies on the board at  
1083 | the time of the vacancy. A unit owner in a residential  
1084 | condominium desiring to be a candidate for board membership must  
1085 | comply with sub-subparagraph 4.a. and must be eligible to be a  
1086 | candidate to serve on the board of directors at the time of the  
1087 | deadline for submitting a notice of intent to run in order to  
1088 | have his or her name listed as a proper candidate on the ballot  
1089 | or to serve on the board. A person who has been suspended or  
1090 | removed by the division under this chapter, or who is delinquent  
1091 | in the payment of any assessment due to the association, is not  
1092 | eligible to be a candidate for board membership and may not be  
1093 | listed on the ballot. For purposes of this paragraph, a person  
1094 | is delinquent if a payment is not made by the due date as  
1095 | specifically identified in the declaration of condominium,  
1096 | bylaws, or articles of incorporation. If a due date is not  
1097 | specifically identified in the declaration of condominium,  
1098 | bylaws, or articles of incorporation, the due date is the first  
1099 | day of the assessment period. A person who has been convicted of  
1100 | any felony in this state or in a United States District or

1101 Territorial Court, or who has been convicted of any offense in  
1102 another jurisdiction which would be considered a felony if  
1103 committed in this state, is not eligible for board membership  
1104 unless such felon's civil rights have been restored for at least  
1105 5 years as of the date such person seeks election to the board.  
1106 The validity of an action by the board is not affected if it is  
1107 later determined that a board member is ineligible for board  
1108 membership due to having been convicted of a felony. This  
1109 subparagraph does not limit the term of a member of the board of  
1110 a nonresidential or timeshare condominium.

1111 3. The bylaws must provide the method of calling meetings  
1112 of unit owners, including annual meetings. Written notice of an  
1113 annual meeting must include an agenda; be mailed, hand  
1114 delivered, or electronically transmitted to each unit owner at  
1115 least 14 days before the annual meeting; and be posted in a  
1116 conspicuous place on the condominium property or association  
1117 property at least 14 continuous days before the annual meeting.  
1118 Written notice of a meeting other than an annual meeting must  
1119 include an agenda; be mailed, hand delivered, or electronically  
1120 transmitted to each unit owner; and be posted in a conspicuous  
1121 place on the condominium property or association property within  
1122 the timeframe specified in the bylaws. If the bylaws do not  
1123 specify a timeframe for written notice of a meeting other than  
1124 an annual meeting, notice must be provided at least 14  
1125 continuous days before the meeting. Upon notice to the unit

1126 owners, the board shall, by duly adopted rule, designate a  
1127 specific location on the condominium property or association  
1128 property at which all notices of unit owner meetings must be  
1129 posted. This requirement does not apply if there is no  
1130 condominium property for posting notices. In lieu of, or in  
1131 addition to, the physical posting of meeting notices, the  
1132 association may, by reasonable rule, adopt a procedure for  
1133 conspicuously posting and repeatedly broadcasting the notice and  
1134 the agenda on a closed-circuit cable television system serving  
1135 the condominium association. However, if broadcast notice is  
1136 used in lieu of a notice posted physically on the condominium  
1137 property, the notice and agenda must be broadcast at least four  
1138 times every broadcast hour of each day that a posted notice is  
1139 otherwise required under this section. If broadcast notice is  
1140 provided, the notice and agenda must be broadcast in a manner  
1141 and for a sufficient continuous length of time so as to allow an  
1142 average reader to observe the notice and read and comprehend the  
1143 entire content of the notice and the agenda. In addition to any  
1144 of the authorized means of providing notice of a meeting of the  
1145 board, the association may, by rule, adopt a procedure for  
1146 conspicuously posting the meeting notice and the agenda on a  
1147 website serving the condominium association for at least the  
1148 minimum period of time for which a notice of a meeting is also  
1149 required to be physically posted on the condominium property.  
1150 Any rule adopted shall, in addition to other matters, include a

1151 requirement that the association send an electronic notice in  
1152 the same manner as a notice for a meeting of the members, which  
1153 must include a hyperlink to the website at which the notice is  
1154 posted, to unit owners whose e-mail addresses are included in  
1155 the association's official records. Unless a unit owner waives  
1156 in writing the right to receive notice of the annual meeting,  
1157 such notice must be hand delivered, mailed, or electronically  
1158 transmitted to each unit owner. Notice for meetings and notice  
1159 for all other purposes must be mailed to each unit owner at the  
1160 address last furnished to the association by the unit owner, or  
1161 hand delivered to each unit owner. However, if a unit is owned  
1162 by more than one person, the association must provide notice to  
1163 the address that the developer identifies for that purpose and  
1164 thereafter as one or more of the owners of the unit advise the  
1165 association in writing, or if no address is given or the owners  
1166 of the unit do not agree, to the address provided on the deed of  
1167 record. An officer of the association, or the manager or other  
1168 person providing notice of the association meeting, must provide  
1169 an affidavit or United States Postal Service certificate of  
1170 mailing, to be included in the official records of the  
1171 association affirming that the notice was mailed or hand  
1172 delivered in accordance with this provision.

1173 4. The members of the board of a residential condominium  
1174 shall be elected by written ballot or voting machine. Proxies  
1175 may not be used in electing the board in general elections or

1176 elections to fill vacancies caused by recall, resignation, or  
1177 otherwise, unless otherwise provided in this chapter. This  
1178 subparagraph does not apply to an association governing a  
1179 timeshare condominium.

1180 a. At least 60 days before a scheduled election, the  
1181 association shall mail, deliver, or electronically transmit, by  
1182 separate association mailing or included in another association  
1183 mailing, delivery, or transmission, including regularly  
1184 published newsletters, to each unit owner entitled to a vote, a  
1185 first notice of the date of the election. A unit owner or other  
1186 eligible person desiring to be a candidate for the board must  
1187 give written notice of his or her intent to be a candidate to  
1188 the association at least 40 days before a scheduled election.  
1189 Together with the written notice and agenda as set forth in  
1190 subparagraph 3., the association shall mail, deliver, or  
1191 electronically transmit a second notice of the election to all  
1192 unit owners entitled to vote, together with a ballot that lists  
1193 all candidates not less than 14 days or more than 34 days before  
1194 the date of the election. Upon request of a candidate, an  
1195 information sheet, no larger than 8 1/2 inches by 11 inches,  
1196 which must be furnished by the candidate at least 35 days before  
1197 the election, must be included with the mailing, delivery, or  
1198 transmission of the ballot, with the costs of mailing, delivery,  
1199 or electronic transmission and copying to be borne by the  
1200 association. The association is not liable for the contents of



1201 the information sheets prepared by the candidates. In order to  
1202 reduce costs, the association may print or duplicate the  
1203 information sheets on both sides of the paper. The division  
1204 shall by rule establish voting procedures consistent with this  
1205 sub-subparagraph, including rules establishing procedures for  
1206 giving notice by electronic transmission and rules providing for  
1207 the secrecy of ballots. Elections shall be decided by a  
1208 plurality of ballots cast. There is no quorum requirement;  
1209 however, at least 20 percent of the eligible voters must cast a  
1210 ballot in order to have a valid election. A unit owner may not  
1211 authorize any other person to vote his or her ballot, and any  
1212 ballots improperly cast are invalid. A unit owner who violates  
1213 this provision may be fined by the association in accordance  
1214 with s. 718.303. A unit owner who needs assistance in casting  
1215 the ballot for the reasons stated in s. 101.051 may obtain such  
1216 assistance. The regular election must occur on the date of the  
1217 annual meeting. Notwithstanding this sub-subparagraph, an  
1218 election is not required unless more candidates file notices of  
1219 intent to run or are nominated than board vacancies exist.

1220 b. A director of a board of an association of a  
1221 residential condominium shall:

1222 (I) Certify in writing to the secretary of the association  
1223 that he or she has read the association's declaration of  
1224 condominium, articles of incorporation, bylaws, and current  
1225 written policies; that he or she will work to uphold such

1226 documents and policies to the best of his or her ability; and  
1227 that he or she will faithfully discharge his or her fiduciary  
1228 responsibility to the association's members.

1229 (II) Submit to the secretary of the association a  
1230 certificate of having satisfactorily completed the educational  
1231 curriculum administered by the division or a division-approved  
1232 condominium education provider. The educational curriculum must  
1233 be at least 4 hours long and include instruction on milestone  
1234 inspections, structural integrity reserve studies, elections,  
1235 recordkeeping, financial literacy and transparency, levying of  
1236 fines, and notice and meeting requirements.

1237  
1238 Each newly elected or appointed director must submit to the  
1239 secretary of the association the written certification and  
1240 educational certificate within 1 year before being elected or  
1241 appointed or 90 days after the date of election or appointment.  
1242 A director of an association of a residential condominium who  
1243 was elected or appointed before July 1, 2024, must comply with  
1244 the written certification and educational certificate  
1245 requirements in this sub-subparagraph by June 30, 2025. The  
1246 written certification and educational certificate is valid for 7  
1247 years after the date of issuance and does not have to be  
1248 resubmitted as long as the director serves on the board without  
1249 interruption during the 7-year period. A director who is  
1250 appointed by the developer may satisfy the educational

1251 certificate requirement in sub-sub-subparagraph (II) for any  
1252 subsequent appointment to a board by a developer within 7 years  
1253 after the date of issuance of the most recent educational  
1254 certificate, including any interruption of service on a board or  
1255 appointment to a board in another association within that 7-year  
1256 period. One year after submission of the most recent written  
1257 certification and educational certificate, and annually  
1258 thereafter, a director of an association of a residential  
1259 condominium must submit to the secretary of the association a  
1260 certificate of having satisfactorily completed at least 1 hour  
1261 of continuing education administered by the division, or a  
1262 division-approved condominium education provider, relating to  
1263 any recent changes to this chapter and the related  
1264 administrative rules during the past year. A director of an  
1265 association of a residential condominium who fails to timely  
1266 file the written certification and educational certificate is  
1267 suspended from service on the board until he or she complies  
1268 with this sub-subparagraph. The board may temporarily fill the  
1269 vacancy during the period of suspension. The secretary shall  
1270 cause the association to retain a director's written  
1271 certification and educational certificate for inspection by the  
1272 members for 7 years after a director's election or the duration  
1273 of the director's uninterrupted tenure, whichever is longer.  
1274 Failure to have such written certification and educational  
1275 certificate on file does not affect the validity of any board

1276 action.

1277 c. Any challenge to the election process must be commenced  
1278 within 60 days after the election results are announced.

1279 5. Any approval by unit owners called for by this chapter  
1280 or the applicable declaration or bylaws, including, but not  
1281 limited to, the approval requirement in s. 718.111(8), must be  
1282 made at a duly noticed meeting of unit owners and is subject to  
1283 all requirements of this chapter or the applicable condominium  
1284 documents relating to unit owner decisionmaking, except that  
1285 unit owners may take action by written agreement, without  
1286 meetings, on matters for which action by written agreement  
1287 without meetings is expressly allowed by the applicable bylaws  
1288 or declaration or any law that provides for such action.

1289 6. Unit owners may waive notice of specific meetings if  
1290 allowed by the applicable bylaws or declaration or any law.  
1291 Notice of meetings of the board of administration; unit owner  
1292 meetings, except unit owner meetings called to recall board  
1293 members under paragraph (1); and committee meetings may be given  
1294 by electronic transmission to unit owners who consent to receive  
1295 notice by electronic transmission. A unit owner who consents to  
1296 receiving notices by electronic transmission is solely  
1297 responsible for removing or bypassing filters that block receipt  
1298 of mass e-mails sent to members on behalf of the association in  
1299 the course of giving electronic notices.

1300 7. Unit owners have the right to participate in meetings

1301 of unit owners with reference to all designated agenda items.  
1302 However, the association may adopt reasonable rules governing  
1303 the frequency, duration, and manner of unit owner participation.

1304 8. A unit owner may tape record or videotape a meeting of  
1305 the unit owners subject to reasonable rules adopted by the  
1306 division.

1307 9. Unless otherwise provided in the bylaws, any vacancy  
1308 occurring on the board before the expiration of a term may be  
1309 filled by the affirmative vote of the majority of the remaining  
1310 directors, even if the remaining directors constitute less than  
1311 a quorum, or by the sole remaining director. In the alternative,  
1312 a board may hold an election to fill the vacancy, in which case  
1313 the election procedures must conform to sub-subparagraph 4.a.  
1314 unless the association governs 10 units or fewer and has opted  
1315 out of the statutory election process, in which case the bylaws  
1316 of the association control. Unless otherwise provided in the  
1317 bylaws, a board member appointed or elected under this section  
1318 shall fill the vacancy for the unexpired term of the seat being  
1319 filled. Filling vacancies created by recall is governed by  
1320 paragraph (1) and rules adopted by the division.

1321 10. This chapter does not limit the use of general or  
1322 limited proxies, require the use of general or limited proxies,  
1323 or require the use of a written ballot or voting machine for any  
1324 agenda item or election at any meeting of a timeshare  
1325 condominium association or nonresidential condominium

1326 association.

1327

1328 Notwithstanding subparagraph (b)2. and sub-subparagraph 4.a., an  
1329 association of 10 or fewer units may, by affirmative vote of a  
1330 majority of the total voting interests, provide for different  
1331 voting and election procedures in its bylaws, which may be by a  
1332 proxy specifically delineating the different voting and election  
1333 procedures. The different voting and election procedures may  
1334 provide for elections to be conducted by limited or general  
1335 proxy. Notwithstanding sub-subparagraph 4.a., an association  
1336 operating a nonresidential condominium may provide for different  
1337 voting and election procedures in its bylaws, or by an amendment  
1338 to its bylaws, which may include alternative notice requirements  
1339 and voting by limited or general proxy.

1340 (f) Annual budget.—

1341 1. The proposed annual budget of estimated revenues and  
1342 expenses must be detailed and must show the amounts budgeted by  
1343 accounts and expense classifications, including, at a minimum,  
1344 any applicable expenses listed in s. 718.504(21). The board  
1345 shall adopt the annual budget at least 14 days before the start  
1346 of the association's fiscal year. In the event that the board  
1347 fails to timely adopt the annual budget a second time, it is  
1348 deemed a minor violation and the prior year's budget shall  
1349 continue in effect until a new budget is adopted. A  
1350 multicondominium association must adopt a separate budget of

1351 common expenses for each condominium the association operates  
1352 and must adopt a separate budget of common expenses for the  
1353 association. In addition, if the association maintains limited  
1354 common elements with the cost to be shared only by those  
1355 entitled to use the limited common elements as provided for in  
1356 s. 718.113(1), the budget or a schedule attached to it must show  
1357 the amount budgeted for this maintenance. If, after turnover of  
1358 control of the association to the unit owners, any of the  
1359 expenses listed in s. 718.504(21) are not applicable, they do  
1360 not need to be listed.

1361 2.a. In addition to annual operating expenses, the budget  
1362 must include reserve accounts for capital expenditures and  
1363 deferred maintenance. These accounts must include, but are not  
1364 limited to, roof replacement, building painting, and pavement  
1365 resurfacing, regardless of the amount of deferred maintenance  
1366 expense or replacement cost, and any other item that has a  
1367 deferred maintenance expense or replacement cost that exceeds  
1368 \$10,000. The amount to be reserved must be computed using a  
1369 formula based upon estimated remaining useful life and estimated  
1370 replacement cost or deferred maintenance expense of the reserve  
1371 item. In a budget adopted by an association that is required to  
1372 obtain a structural integrity reserve study, reserves must be  
1373 maintained for the items identified in paragraph (g) for which  
1374 the association is responsible pursuant to the declaration of  
1375 condominium, and the reserve amount for such items must be based

1376 on the findings and recommendations of the association's most  
1377 recent structural integrity reserve study. With respect to items  
1378 for which an estimate of useful life is not readily  
1379 ascertainable or with an estimated remaining useful life of  
1380 greater than 25 years, an association is not required to reserve  
1381 replacement costs for such items, but an association must  
1382 reserve the amount of deferred maintenance expense, if any,  
1383 which is recommended by the structural integrity reserve study  
1384 for such items. The association may adjust replacement reserve  
1385 assessments annually to take into account an inflation  
1386 adjustment and any changes in estimates or extension of the  
1387 useful life of a reserve item caused by deferred maintenance.  
1388 The members of a unit-owner-controlled association may  
1389 determine, by a majority vote of the total voting interests of  
1390 the association, to provide no reserves or less reserves than  
1391 required by this subsection. For a budget adopted on or after  
1392 December 31, 2024, the members of a unit-owner-controlled  
1393 association that must obtain a structural integrity reserve  
1394 study may not determine to provide no reserves or less reserves  
1395 than required by this subsection for items listed in paragraph  
1396 (g), except that members of an association operating a  
1397 multicondominium may determine to provide no reserves or less  
1398 reserves than required by this subsection if an alternative  
1399 funding method has been approved by the division. If the local  
1400 building official, as defined in s. 468.603, determines that the



1401 entire condominium building is uninhabitable due to a natural  
1402 emergency, as defined in s. 252.34, the board, ~~upon the approval~~  
1403 ~~of a majority of its members,~~ may pause the contribution to its  
1404 reserves or reduce reserve funding until the local building  
1405 official determines that the condominium building is habitable.  
1406 Any reserve account funds held by the association may be  
1407 expended, pursuant to the board's determination, to make the  
1408 condominium building and its structures habitable. Upon the  
1409 determination by the local building official that the  
1410 condominium building is habitable, the association must  
1411 immediately resume contributing funds to its reserves.

1412 b. Before turnover of control of an association by a  
1413 developer to unit owners other than a developer under s.  
1414 718.301, the developer-controlled association may not vote to  
1415 waive the reserves or reduce funding of the reserves. If a  
1416 meeting of the unit owners has been called to determine whether  
1417 to waive or reduce the funding of reserves and no such result is  
1418 achieved or a quorum is not attained, the reserves included in  
1419 the budget shall go into effect. After the turnover, the  
1420 developer may vote its voting interest to waive or reduce the  
1421 funding of reserves.

1422 c. For an annual budget adopted on or before December 31,  
1423 2027, the members of a unit-owner-controlled association may  
1424 approve, by a majority vote of the total voting interests of the  
1425 association, the provision of a secured line of credit for up to

1426 | 35 percent of the amount of the reserves required to meet the  
1427 | reserve funding schedule recommended by a structural integrity  
1428 | reserve study with respect to items with an estimated remaining  
1429 | useful life of greater than 10 years.

1430 |         3. Reserve funds and any interest accruing thereon shall  
1431 | remain in the reserve account or accounts, and may be used only  
1432 | for authorized reserve expenditures unless their use for other  
1433 | purposes is approved in advance by a majority vote of all the  
1434 | total voting interests of the association. Before turnover of  
1435 | control of an association by a developer to unit owners other  
1436 | than the developer pursuant to s. 718.301, the developer-  
1437 | controlled association may not vote to use reserves for purposes  
1438 | other than those for which they were intended. For a budget  
1439 | adopted on or after December 31, 2024, members of a unit-owner-  
1440 | controlled association that must obtain a structural integrity  
1441 | reserve study may not vote to use reserve funds, or any interest  
1442 | accruing thereon, for any other purpose other than the  
1443 | replacement or deferred maintenance costs of the components  
1444 | listed in paragraph (g).

1445 |         4. The only voting interests that are eligible to vote on  
1446 | questions that involve waiving or reducing the funding of  
1447 | reserves, or using existing reserve funds for purposes other  
1448 | than purposes for which the reserves were intended, are the  
1449 | voting interests of the units subject to assessment to fund the  
1450 | reserves in question. Proxy questions relating to waiving or

1451 reducing the funding of reserves or using existing reserve funds  
1452 for purposes other than purposes for which the reserves were  
1453 intended must contain the following statement in capitalized,  
1454 bold letters in a font size larger than any other used on the  
1455 face of the proxy ballot: WAIVING OF RESERVES, IN WHOLE OR IN  
1456 PART, OR ALLOWING ALTERNATIVE USES OF EXISTING RESERVES MAY  
1457 RESULT IN UNIT OWNER LIABILITY FOR PAYMENT OF UNANTICIPATED  
1458 SPECIAL ASSESSMENTS REGARDING THOSE ITEMS.

1459 5. An association's reserve accounts may be pooled for two  
1460 or more required components. Reserve funding for components  
1461 listed in paragraph (g) may only be pooled with other components  
1462 listed in paragraph (g). The reserve funding indicated in the  
1463 proposed annual budget must be sufficient to ensure that  
1464 available funds meet or exceed projected expenses for all  
1465 components in the reserve pool based on the most recent  
1466 structural integrity reserve study.

1467 (g) Structural integrity reserve study.—

1468 1. A residential condominium association must have a  
1469 structural integrity reserve study completed at least every 10  
1470 years after the condominium's creation for each building on the  
1471 condominium property that is three stories or higher in height,  
1472 as determined by the Florida Building Code, which includes, at a  
1473 minimum, a study of the following items as related to the  
1474 structural integrity and safety of the building:

1475 a. Roof.

1476 b. Structure, including load-bearing walls and other  
1477 primary structural members and primary structural systems as  
1478 those terms are defined in s. 627.706.

1479 c. Fireproofing and fire protection systems.

1480 d. Plumbing.

1481 e. Electrical systems.

1482 f. Waterproofing and exterior painting.

1483 g. Windows and exterior doors.

1484 h. Any other item that has a deferred maintenance expense  
1485 or replacement cost that exceeds \$10,000 and the failure to  
1486 replace or maintain such item negatively affects the items  
1487 listed in sub-subparagraphs a.-g., as determined by the visual  
1488 inspection portion of the structural integrity reserve study.

1489 2. A structural integrity reserve study is based on a  
1490 visual inspection of the condominium property. A structural  
1491 integrity reserve study may be performed by any person qualified  
1492 to perform such study. However, the visual inspection portion of  
1493 the structural integrity reserve study must be performed or  
1494 verified by an engineer licensed under chapter 471, an architect  
1495 licensed under chapter 481, or a person certified as a reserve  
1496 specialist or professional reserve analyst by the Community  
1497 Associations Institute or the Association of Professional  
1498 Reserve Analysts. It is a conflict of interest for any person  
1499 who performs a structural integrity reserve study or a milestone  
1500 inspection under s. 553.899 to provide or contract to provide

1501 services for the repair or replacement of the condominium  
1502 property that was the subject of such structural integrity  
1503 reserve study or milestone inspection, or to have a financial  
1504 interest with the person or entity providing the repair or  
1505 replacement services.

1506         3. At a minimum, a structural integrity reserve study must  
1507 identify each item of the condominium property being visually  
1508 inspected, state the estimated remaining useful life and the  
1509 estimated replacement cost or deferred maintenance expense of  
1510 each item of the condominium property being visually inspected,  
1511 and provide a reserve funding schedule with a recommended annual  
1512 reserve amount that achieves the estimated replacement cost or  
1513 deferred maintenance expense of each item of condominium  
1514 property being visually inspected by the end of the estimated  
1515 remaining useful life of the item. The structural integrity  
1516 reserve study may recommend that reserves do not need to be  
1517 maintained for any item for which an estimate of useful life and  
1518 an estimate of replacement cost cannot be determined, or the  
1519 study may recommend a deferred maintenance expense amount for  
1520 such item. The structural integrity reserve study may recommend  
1521 that reserves for replacement costs do not need to be maintained  
1522 for any item with an estimated remaining useful life of greater  
1523 than 25 years, but the study may recommend a deferred  
1524 maintenance expense amount for such item.

1525         4. This paragraph does not apply to buildings less than

1526 three stories in height; single-family, two-family, ~~or~~ three-  
 1527 family, or four-family dwellings with three or fewer habitable  
 1528 stories above ground; any portion or component of a building  
 1529 that has not been submitted to the condominium form of  
 1530 ownership; or any portion or component of a building that is  
 1531 maintained by a party other than the association.

1532 5. Before a developer turns over control of an association  
 1533 to unit owners other than the developer, the developer must have  
 1534 a turnover inspection report in compliance with s. 718.301(4)(p)  
 1535 and (q) for each building on the condominium property that is  
 1536 three stories or higher in height.

1537 6. Associations existing on or before July 1, 2022, which  
 1538 are controlled by unit owners other than the developer, must  
 1539 have a structural integrity reserve study completed by December  
 1540 31, 2024, for each building on the condominium property that is  
 1541 three stories or higher in height. An association that is  
 1542 required to complete a milestone inspection in accordance with  
 1543 s. 553.899 on or before December 31, 2026, may complete the  
 1544 structural integrity reserve study simultaneously with the  
 1545 milestone inspection. In no event may the structural integrity  
 1546 reserve study be completed after December 31, 2026.

1547 7. If the milestone inspection required by s. 553.899, or  
 1548 an inspection completed for a similar local requirement, was  
 1549 performed within the past 5 years and meets the requirements of  
 1550 this paragraph, such inspection may be used in place of the

1551 visual inspection portion of the structural integrity reserve  
1552 study.

1553 8. If the officers or directors of an association  
1554 willfully and knowingly fail to complete a structural integrity  
1555 reserve study pursuant to this paragraph, such failure is a  
1556 breach of an officer's and director's fiduciary relationship to  
1557 the unit owners under s. 718.111(1).

1558 9. Within 45 days after receiving the structural integrity  
1559 reserve study, the association must distribute a copy of the  
1560 study to each unit owner or deliver to each unit owner a notice  
1561 that the completed study is available for inspection and copying  
1562 upon a written request. Distribution of a copy of the study or  
1563 notice must be made by United States mail or personal delivery  
1564 to the mailing address, property address, or any other address  
1565 of the owner provided to fulfill the association's notice  
1566 requirements under this chapter, or by electronic transmission  
1567 to the e-mail address or facsimile number provided to fulfill  
1568 the association's notice requirements to unit owners who  
1569 previously consented to receive notice by electronic  
1570 transmission.

1571 10. Within 45 days after receiving the structural  
1572 integrity reserve study, the association must provide the  
1573 division with a statement indicating that the study was  
1574 completed and that the association provided or made available  
1575 such study to each unit owner in accordance with this section.

1576 The statement must be provided to the division in the manner  
1577 established by the division using a form posted on the  
1578 division's website.

1579 11. By October 1, 2025, the Department of Business and  
1580 Professional Regulation shall initiate rulemaking to establish  
1581 criteria for determining the estimated useful life of the  
1582 building components identified in subparagraph 1.

1583 (1) Recall of board members.—Subject to s. 718.301, any  
1584 member of the board of administration may be recalled and  
1585 removed from office with or without cause by ~~the vote or~~  
1586 ~~agreement in writing~~ by a majority of all the voting interests.  
1587 A voting interest of the condominium may not be suspended when  
1588 voting to recall a member of the board of administration and any  
1589 prior suspension of voting rights pursuant to s. 718.303(5)  
1590 shall have no effect on a recall vote ~~A special meeting of the~~  
1591 ~~unit owners to recall a member or members of the board of~~  
1592 ~~administration may be called by 10 percent of the voting~~  
1593 ~~interests giving notice of the meeting as required for a meeting~~  
1594 ~~of unit owners, and the notice shall state the purpose of the~~  
1595 ~~meeting. Electronic transmission may not be used as a method of~~  
1596 ~~giving notice of a meeting called in whole or in part for this~~  
1597 ~~purpose.~~

1598 ~~1. If the recall is approved by a majority of all voting~~  
1599 ~~interests by a vote at a meeting, the recall will be effective~~  
1600 ~~as provided in this paragraph. The board shall duly notice and~~



1601 ~~hold a board meeting within 5 full business days after the~~  
1602 ~~adjournment of the unit owner meeting to recall one or more~~  
1603 ~~board members. Such member or members shall be recalled~~  
1604 ~~effective immediately upon conclusion of the board meeting,~~  
1605 ~~provided that the recall is facially valid. A recalled member~~  
1606 ~~must turn over to the board, within 10 full business days after~~  
1607 ~~the vote, any and all records and property of the association in~~  
1608 ~~their possession.~~

1609 1.2. ~~If The proposed recall is by an agreement in writing~~  
1610 ~~by a majority of all voting interests, the agreement in writing~~  
1611 ~~or a copy thereof must shall be served on the association by~~  
1612 registered certified mail or by personal service in the manner  
1613 authorized by chapter 48 and the Florida Rules of Civil  
1614 Procedure. Methods of service that are not authorized by chapter  
1615 48 and the Florida Rules of Civil Procedure are invalid and any  
1616 service that does not comply with this paragraph is void. The  
1617 board of administration shall duly notice and hold a meeting of  
1618 the board within 5 full business days after receipt of the  
1619 agreement by valid service as authorized under this paragraph in  
1620 ~~writing~~. Such member or members must shall be recalled effective  
1621 immediately upon the conclusion of the board meeting, provided  
1622 that the recall is facially valid and the agreement was validly  
1623 served. A recalled member must turn over to the board, within 10  
1624 full business days, ~~any and~~ all records and property of the  
1625 association in his or her ~~their~~ possession.

1626           2. Rejection of a unit owner's recall agreement under this  
 1627 section applies when the recall agreement:  
 1628           a. Was improperly served;  
 1629           b. Was executed by a person who was not a unit's record  
 1630 owner or designated voter;  
 1631           c. Was previously marked for the removal of any board  
 1632 member;  
 1633           d. Does not contain any markings that indicate the  
 1634 selection by a unit owner to either remove or retain a board  
 1635 member; or  
 1636           e. Does not contain the signature of the unit owner.  
 1637           3. There is a rebuttable presumption that a unit owner  
 1638 executing the recall agreement is the designated voter for the  
 1639 unit. An association may not enforce a voting certificate  
 1640 requirement if the association has not enforced such requirement  
 1641 in all matters requiring the use of voting certificates in the  
 1642 year immediately preceding service of the recall agreement.  
 1643           4. A rescission or revocation of a unit owner's recall  
 1644 agreement must be in writing and delivered to the association  
 1645 before the association is served with the written recall  
 1646 agreement. This subparagraph must be liberally construed to  
 1647 ensure a unit owner is not disenfranchised by an association in  
 1648 a recall and to prevent an association from failing to certify a  
 1649 recall agreement on a technical omission which is not a part in  
 1650 the discharge of the unit owner's voting rights.

1651        ~~5.3.~~ If the board fails to duly notice and hold a board  
1652 meeting within 5 full business days after service of an  
1653 agreement in writing or within 5 full business days after the  
1654 adjournment of the unit owner recall meeting, the recall is  
1655 deemed effective and the board members so recalled shall turn  
1656 over to the board within 10 full business days after the vote  
1657 ~~any and~~ all records and property of the association.

1658        ~~6.4.~~ If the board fails to duly notice and hold the  
1659 required meeting or at the conclusion of the meeting determines  
1660 that the recall is not facially valid, the unit owner  
1661 representative may file a petition or circuit court action under  
1662 s. 718.1255 challenging the board's failure to act or  
1663 challenging the board's determination on facial validity. The  
1664 petition or action must be filed within 45 ~~60~~ days after the  
1665 expiration of the applicable 5-full-business-day period. The  
1666 review of a petition or action under this subparagraph is  
1667 limited to the sufficiency of service on the board and the  
1668 facial validity of the written agreement or ballots filed. The  
1669 association must be named as the respondent.

1670        ~~7.5.~~ If a vacancy occurs on the board as a result of a  
1671 recall or removal and less than a majority of the board members  
1672 are removed, the vacancy may be filled by the affirmative vote  
1673 of a majority of the remaining directors, notwithstanding any  
1674 provision to the contrary contained in this subsection. If  
1675 vacancies occur on the board as a result of a recall and a

1676 majority or more of the board members are removed, the vacancies  
1677 must ~~shall~~ be filled in accordance with procedural rules to be  
1678 adopted by the division, which rules need not be consistent with  
1679 this subsection. The rules must provide procedures governing the  
1680 conduct of the recall election as well as the operation of the  
1681 association during the period after a recall but before the  
1682 recall election.

1683 ~~8.6.~~ A board member who has been recalled may file a  
1684 petition or court action under s. 718.1255 challenging the  
1685 validity of the recall. The petition or action must be filed  
1686 within 45 ~~60~~ days after the recall. The association and the unit  
1687 owner representative must ~~shall~~ be named as the respondents. The  
1688 petition or action may challenge the facial validity of the  
1689 written agreement or ballots filed or the substantial compliance  
1690 with the procedural requirements for the recall. If the  
1691 arbitrator or court determines the recall was invalid, the  
1692 petitioning board member must ~~shall~~ immediately be reinstated  
1693 and the recall is null and void. A board member who is  
1694 successful in challenging a recall is entitled to recover  
1695 reasonable attorney fees and costs from the respondents. The  
1696 arbitrator or court may award reasonable attorney fees and costs  
1697 to the respondents if they prevail, if the arbitrator or court  
1698 makes a finding that the petitioner's claim is frivolous.

1699 ~~9.7.~~ The division or a court of competent jurisdiction may  
1700 not accept for filing a recall petition or court action, whether

1701 filed under subparagraph 1., ~~subparagraph 2., subparagraph 4.,~~  
1702 ~~or~~ subparagraph 6., or subparagraph 8., when there are 45 ~~60~~ or  
1703 fewer days until the scheduled reelection of the board member  
1704 sought to be recalled or when 45 ~~60~~ or fewer days have elapsed  
1705 since the election of the board member sought to be recalled.

1706 (m) Alternative dispute resolution.—There must be a  
1707 provision for alternative dispute resolution as provided for in  
1708 s. 718.1255 for any residential condominium.

1709 (p) Director or officer delinquencies.—A director or  
1710 officer more than 90 days delinquent in the payment of any  
1711 monetary obligation due the association is ~~shall be~~ deemed to  
1712 have abandoned the office, creating a vacancy in the office to  
1713 be filled according to law. For the purpose of this paragraph, a  
1714 director or an officer is delinquent if a payment is not made by  
1715 the due date as specifically identified in the declarations,  
1716 bylaws, or articles of incorporation. If a due date is not  
1717 specifically identified in the declaration, bylaws, or articles  
1718 of incorporation, the due date is the first day of the  
1719 assessment period.

1720 **Section 6. Paragraphs (d) and (e) of subsection (5) of**  
1721 **section 718.113, Florida Statutes, are amended to read:**

1722 718.113 Maintenance; limitation upon improvement; display  
1723 of flag; hurricane protection; display of religious  
1724 decorations.—

1725 (5) To protect the health, safety, and welfare of the

1726 | people of the state and to ensure uniformity and consistency in  
1727 | the hurricane protections installed by condominium associations  
1728 | and unit owners, this subsection applies to all residential and  
1729 | mixed-use condominiums in the state, regardless of when the  
1730 | condominium is created pursuant to the declaration of  
1731 | condominium. Each board of administration of a residential  
1732 | condominium or mixed-use condominium must adopt hurricane  
1733 | protection specifications for each building within each  
1734 | condominium operated by the association which may include color,  
1735 | style, and other factors deemed relevant by the board. All  
1736 | specifications adopted by the board must comply with the  
1737 | applicable building code. The installation, maintenance, repair,  
1738 | replacement, and operation of hurricane protection in accordance  
1739 | with this subsection is not considered a material alteration or  
1740 | substantial addition to the common elements or association  
1741 | property within the meaning of this section.

1742 |       (d) Unless otherwise provided in the declaration as  
1743 | originally recorded, or as amended, a unit owner is not  
1744 | responsible for the cost of any removal or reinstallation of  
1745 | hurricane protection, including exterior windows, doors, or  
1746 | other apertures, if its removal is necessary for the  
1747 | maintenance, repair, or replacement of other condominium  
1748 | property or association property for which the association is  
1749 | responsible. The board shall determine if the removal or  
1750 | reinstallation of hurricane protection must be completed by the

1751 unit owner or the association if the declaration as originally  
1752 recorded, or as amended, does not specify who is responsible for  
1753 such costs. If such removal or reinstallation is completed by  
1754 the association, the costs incurred by the association may not  
1755 be charged to the unit owner. If such removal or reinstallation  
1756 is completed by the unit owner, the association must reimburse  
1757 the unit owner for the cost of the removal or reinstallation or  
1758 the association must apply a credit toward future assessments in  
1759 the amount of the unit owner's cost to remove or reinstall the  
1760 hurricane protection.

1761 ~~(c) If the removal or reinstallation of hurricane~~  
1762 ~~protection, including exterior windows, doors, or other~~  
1763 ~~apertures, is the responsibility of the unit owner and the~~  
1764 ~~association completes such removal or reinstallation and then~~  
1765 ~~charges the unit owner for such removal or reinstallation, such~~  
1766 ~~charges are enforceable as an assessment and may be collected in~~  
1767 ~~the manner provided under s. 718.116.~~

1768 **Section 7. Subsection (10) of section 718.116, Florida**  
1769 **Statutes, is amended to read:**

1770 718.116 Assessments; liability; lien and priority;  
1771 interest; collection.-

1772 (10) (a) The specific purpose or purposes of any special  
1773 assessment, including any contingent special assessment levied  
1774 in conjunction with the purchase of an insurance policy  
1775 authorized by s. 718.111(11), approved in accordance with the

1776 condominium documents shall be set forth in a written notice of  
1777 such assessment sent or delivered to each unit owner. The funds  
1778 collected pursuant to a special assessment shall be used only  
1779 for the specific purpose or purposes set forth in such notice.  
1780 However, upon completion of such specific purpose or purposes,  
1781 any excess funds will be considered common surplus, and may, at  
1782 the discretion of the board, either be returned to the unit  
1783 owners or applied as a credit toward future assessments.

1784 (b) The Legislature finds that:

1785 1. In some circumstances, the declaration, articles of  
1786 incorporation, or bylaws of an association restrict the  
1787 authority of the board of administration to levy special  
1788 assessments without first obtaining the approval of the  
1789 membership, which may preclude an association from obtaining  
1790 immediate funding to carry out its obligations to perform  
1791 necessary maintenance, repair, or replacement of the condominium  
1792 property as required by the milestone inspection report and  
1793 structural integrity reserve study report in order to protect  
1794 the health and safety of the unit owners and tenants of the  
1795 property.

1796 2. It is contrary to the public policy of this state to  
1797 limit the ability of an association to obtain the funds needed  
1798 to perform necessary maintenance, repair, or replacement of the  
1799 condominium property as required by the milestone inspection  
1800 report and structural integrity reserve study report in order to



1801 protect the unit owners and tenants of the property.

1802 3. Authorizing the board of administration of an  
1803 association to meet its fiduciary duty and levy special  
1804 assessments to fund necessary maintenance, repair, or  
1805 replacement of the condominium property as required by the  
1806 milestone inspection report and structural integrity reserve  
1807 study report in order to protect the health and safety of the  
1808 unit owners and tenants of the property is in the public  
1809 interest; that requiring an association to obtain membership  
1810 approval endangers the public safety; and that there is a  
1811 compelling state interest in enabling the board of  
1812 administration of an association to levy special assessments to  
1813 perform necessary maintenance, repair, or replacement of the  
1814 condominium property as required by the milestone inspection  
1815 report and structural integrity reserve study report without the  
1816 approval of the membership in order to protect the health and  
1817 safety of the unit owners and tenants of the property.

1818 (c) Notwithstanding any provision to the contrary  
1819 contained in an association's declaration, articles of  
1820 incorporation, or bylaws, the board of administration of an  
1821 association may levy special assessments to perform necessary  
1822 maintenance, repair, or replacement of the condominium property  
1823 as required by the milestone inspection report and structural  
1824 integrity reserve study report without the approval of the  
1825 membership in order to protect the health and safety of the unit

1826 owners and tenants of the property.

1827 (d) Paragraph (c) applies to all condominiums in existence  
 1828 on or after July 1, 2025, which are not subject to control of  
 1829 the developer as defined in s. 718.103 or a bulk assignee or  
 1830 bulk buyer, as those terms are defined in s. 718.703.

1831 **Section 8. Paragraph (a) of subsection (2) and subsections**  
 1832 **(3), (4), and (16) of section 718.117, Florida Statutes, are**  
 1833 **amended to read:**

1834 718.117 Termination of condominium.—

1835 (2) TERMINATION BECAUSE OF ECONOMIC WASTE OR  
 1836 IMPOSSIBILITY.—

1837 (a) Notwithstanding any provision in the declaration, the  
 1838 condominium form of ownership of a property may be terminated by  
 1839 a plan of termination approved by the lesser of the lowest  
 1840 percentage of voting interests necessary to amend the  
 1841 declaration or as otherwise provided in the declaration for  
 1842 approval of termination if:

1843 1. The total estimated cost of construction, replacement,  
 1844 or repairs necessary to construct or replace the intended  
 1845 improvements or restore the improvements to bring them into  
 1846 compliance with the most recent version of the Florida Building  
 1847 Code or to ~~their former condition or~~ bring them into compliance  
 1848 with applicable laws or regulations, plus the combined estimated  
 1849 fair market value of the units in the condominium before  
 1850 commencement of the construction, replacement, or repairs,

1851 exceeds the combined estimated fair market value of the units in  
1852 the condominium after completion of the construction,  
1853 replacement, or repairs. However, if at least 50 percent of the  
1854 total voting interests are owned by a bulk owner, as defined in  
1855 paragraph (3)(c), termination of the condominium under this  
1856 subsection requires the approval of at least 80 percent of all  
1857 the voting interests in the condominium; or

1858         2. It becomes impossible to operate or reconstruct a  
1859 condominium to its prior physical configuration because of land  
1860 use laws or regulations.

1861         (3) OPTIONAL TERMINATION.—Subject to this subsection, the  
1862 condominium form of ownership may be terminated for all or a  
1863 portion of the condominium property pursuant to a plan of  
1864 termination ~~meeting the requirements of this section and~~  
1865 ~~approved by the division. Before a residential association~~  
1866 ~~submits a plan to the division, the plan must be approved by at~~  
1867 least 80 percent of the total voting interests in ~~of~~ the  
1868 condominium. ~~However, if 5 percent or more of the total voting~~  
1869 ~~interests of the condominium have rejected the plan of~~  
1870 ~~termination by negative vote or by providing written objections,~~  
1871 ~~the plan of termination may not proceed.~~

1872         (a) The termination of the condominium form of ownership  
1873 is subject to the following conditions:

1874         1. The total voting interests of the condominium must  
1875 include all voting interests for the purpose of considering a

1876 plan of termination. A voting interest of the condominium may  
1877 not be suspended for any reason when voting on termination  
1878 pursuant to this subsection.

1879       2. If 5 percent or more of the total voting interests of  
1880 the condominium have rejected ~~reject~~ a plan of termination by a  
1881 negative vote or by providing written objections, the plan of  
1882 termination may not proceed and a subsequent plan of termination  
1883 under ~~pursuant to~~ this subsection may not be considered for 24  
1884 months after the date of the rejection.

1885       (b) This subsection does not apply to any condominium  
1886 created pursuant to Part VI of this chapter until 5 years after  
1887 the recording of the declaration of condominium, unless there is  
1888 no objection to the plan of termination.

1889       (c) The requirements of this paragraph apply to  
1890 residential condominiums. For purposes of this paragraph  
1891 ~~subsection~~, the term "bulk owner" means the single holder of  
1892 such voting interests or an owner together with a related entity  
1893 or entities that would be considered an insider, as defined in  
1894 s. 726.102, holding such voting interests. If ~~the condominium~~  
1895 ~~association is a residential association proposed for~~  
1896 ~~termination pursuant to this section and~~, at the time of  
1897 recording the plan of termination, at least 80 percent of the  
1898 total voting interests of the condominium are owned by a bulk  
1899 owner, the plan of termination is subject to the following  
1900 conditions and limitations:

1901           1. If the former condominium units are offered for lease  
1902 to the public after the termination, each unit owner in  
1903 occupancy immediately before the date of recording of the plan  
1904 of termination may lease his or her former unit and remain in  
1905 possession of the unit for 12 months after the effective date of  
1906 the termination on the same terms as similar unit types within  
1907 the property are being offered to the public. In order to obtain  
1908 a lease and exercise the right to retain exclusive possession of  
1909 the unit owner's former unit, the unit owner must make a written  
1910 request to the termination trustee to rent the former unit  
1911 within 90 days after the date the plan of termination is  
1912 recorded. Any unit owner who fails to timely make such written  
1913 request and sign a lease within 15 days after being presented  
1914 with a lease is deemed to have waived his or her right to retain  
1915 possession of his or her former unit and shall be required to  
1916 vacate the former unit upon the effective date of the  
1917 termination, unless otherwise provided in the plan of  
1918 termination.

1919           2. Any former unit owner whose unit was granted homestead  
1920 exemption status by the applicable county property appraiser as  
1921 of the date of the recording of the plan of termination shall be  
1922 paid a relocation payment in an amount equal to 1 percent of the  
1923 termination proceeds allocated to the owner's former unit. Any  
1924 relocation payment payable under this subparagraph shall be paid  
1925 by the single entity or related entities owning at least 80

1926 | percent of the total voting interests. Such relocation payment  
 1927 | shall be in addition to the termination proceeds for such  
 1928 | owner's former unit and shall be paid no later than 10 days  
 1929 | after the former unit owner vacates his or her former unit.

1930 |         3. For their respective units, all unit owners other than  
 1931 | the bulk owner must be compensated at least 100 percent of the  
 1932 | fair market value of their units. The fair market value shall be  
 1933 | determined as of a date that is no earlier than 90 days before  
 1934 | the date that the plan of termination is recorded and shall be  
 1935 | determined by an independent appraiser selected by the  
 1936 | termination trustee. For a person whose unit was granted  
 1937 | homestead exemption status by the applicable county property  
 1938 | appraiser, or was an owner-occupied operating business, as of  
 1939 | the date that the plan of termination is recorded and who is  
 1940 | current in payment of both assessments and other monetary  
 1941 | obligations to the association as of the date the plan of  
 1942 | termination is recorded, the fair market value shall be at least  
 1943 | the original purchase price paid for the unit. For purposes of  
 1944 | this subparagraph, the term "fair market value" means the price  
 1945 | of a unit that a seller is willing to accept and a buyer is  
 1946 | willing to pay on the open market in an arms-length transaction  
 1947 | based on similar units sold in other condominiums, including  
 1948 | units sold in bulk purchases but excluding units sold at  
 1949 | wholesale or distressed prices. The purchase price of units  
 1950 | acquired in bulk following a bankruptcy or foreclosure shall not

1951 | be considered for purposes of determining fair market value.

1952 |         4. The plan of termination must provide for payment of a  
 1953 | first mortgage encumbering a unit to the extent necessary to  
 1954 | satisfy the lien, but the payment may not exceed the unit's  
 1955 | share of the proceeds of termination under the plan. If the unit  
 1956 | owner is current in payment of both assessments and other  
 1957 | monetary obligations to the association and any mortgage  
 1958 | encumbering the unit as of the date the plan of termination is  
 1959 | recorded, the receipt by the holder of the unit's share of the  
 1960 | proceeds of termination under the plan or the outstanding  
 1961 | balance of the mortgage, whichever is less, shall be deemed to  
 1962 | have satisfied the first mortgage in full.

1963 |         5. Before a plan of termination is presented to the unit  
 1964 | owners for consideration pursuant to this paragraph, the plan  
 1965 | must include the following written disclosures in a sworn  
 1966 | statement:

1967 |             a. The identity of any person or entity that owns or  
 1968 | controls 25 percent or more of the units in the condominium and,  
 1969 | if the units are owned by an artificial entity or entities, a  
 1970 | disclosure of the natural person or persons who, directly or  
 1971 | indirectly, manage or control the entity or entities and the  
 1972 | natural person or persons who, directly or indirectly, own or  
 1973 | control 10 percent or more of the artificial entity or entities  
 1974 | that constitute the bulk owner.

1975 |             b. The units acquired by any bulk owner, the date each

1976 unit was acquired, and the total amount of compensation paid to  
 1977 each prior unit owner by the bulk owner, regardless of whether  
 1978 attributed to the purchase price of the unit.

1979 c. The relationship of any board member to the bulk owner  
 1980 or any person or entity affiliated with the bulk owner subject  
 1981 to disclosure pursuant to this subparagraph.

1982 d. The factual circumstances that show that the plan  
 1983 complies with the requirements of this section and that the plan  
 1984 supports the expressed public policies of this section.

1985 (d) If the members of the board of administration are  
 1986 elected by the bulk owner, unit owners other than the bulk owner  
 1987 may elect at least one-third of the members of the board of  
 1988 administration before the approval of any plan of termination.

1989 (e) Termination must be approved by the division after a  
 1990 plan of termination receives the requisite approval from the  
 1991 unit owners. The division shall examine the plan of termination  
 1992 to determine its procedural sufficiency and, within 45 days  
 1993 after receipt of the initial filing, the division shall notify  
 1994 the association by mail of any procedural deficiencies or that  
 1995 the filing is accepted. If the notice is not given within 45  
 1996 days after the receipt of the filing, the plan of termination is  
 1997 presumed to be accepted. If the division determines that the  
 1998 conditions required by this section have been met and that the  
 1999 plan complies with the procedural requirements of this section,  
 2000 the division shall authorize the termination, and the



2001 termination may proceed pursuant to this section.

2002 (f) Subsection (2) does not apply to optional termination  
 2003 pursuant to this subsection.

2004 (4) EXEMPTION.—A plan of termination is not an amendment  
 2005 subject to s. 718.110(4). In a partial termination, a plan of  
 2006 termination is not an amendment subject to s. 718.110(4) if the  
 2007 ownership share of the common elements of a surviving unit in  
 2008 the condominium remains in the same proportion to the surviving  
 2009 units as it was before the partial termination. Notwithstanding  
 2010 any provision in the declaration to the contrary, the  
 2011 association may amend the declaration of condominium for the  
 2012 purpose of incorporating this section by the lesser of the  
 2013 lowest percentage of voting interests necessary to amend the  
 2014 declaration or as otherwise provided in the declaration,  
 2015 whichever is less.

2016 (16) RIGHT TO CONTEST.—A unit owner or lienor may contest  
 2017 a plan of termination by initiating a petition in accordance  
 2018 with s. 718.1255 within 90 days after the date the plan is  
 2019 recorded. A unit owner or lienor may only contest the fairness  
 2020 and reasonableness of the apportionment of the proceeds from the  
 2021 sale among the unit owners;; that the liens of the first  
 2022 mortgages of unit owners other than the bulk owner have not or  
 2023 will not be satisfied to the extent required by subsection (3);  
 2024 that the combined estimated fair market value of the units in  
 2025 the condominium after completion of the construction,

2026 replacement, or repairs contemplated by subparagraph (2)(a)1.  
 2027 exceeds the estimated value of the units before the  
 2028 construction, replacement, or repairs plus the cost of the  
 2029 construction, replacement, or repairs;~~7~~ or that the required  
 2030 vote to approve the plan was not obtained. A unit owner or  
 2031 lienor who does not contest the plan within the 90-day period is  
 2032 barred from asserting or prosecuting a claim against the  
 2033 association, the termination trustee, any unit owner, or any  
 2034 successor in interest to the condominium property. In an action  
 2035 contesting a plan of termination, the person contesting the plan  
 2036 has the burden of pleading and proving that the apportionment of  
 2037 the proceeds from the sale among the unit owners was not fair  
 2038 and reasonable or that the required vote was not obtained. The  
 2039 apportionment of sale proceeds is presumed fair and reasonable  
 2040 if it was determined pursuant to the methods prescribed in  
 2041 subsection (12). If the petition is filed with the division for  
 2042 arbitration, the arbitrator shall determine the rights and  
 2043 interests of the parties in the apportionment of the sale  
 2044 proceeds. If the arbitrator determines that the apportionment of  
 2045 sales proceeds is not fair and reasonable, the arbitrator may  
 2046 void the plan or may modify the plan to apportion the proceeds  
 2047 in a fair and reasonable manner pursuant to this section based  
 2048 upon the proceedings and order the modified plan of termination  
 2049 to be implemented. If the arbitrator determines that the plan  
 2050 was not properly approved, or that the procedures to adopt the

2051 plan were not properly followed, the arbitrator may void the  
2052 plan or grant other relief it deems just and proper. The  
2053 arbitrator shall automatically void the plan upon a finding that  
2054 any of the disclosures required in subparagraph (3)(c)5. are  
2055 omitted, misleading, incomplete, or inaccurate. Any challenge to  
2056 a plan, other than a challenge that the required vote was not  
2057 obtained, does not affect title to the condominium property or  
2058 the vesting of the condominium property in the trustee, but  
2059 shall only be a claim against the proceeds of the plan. In any  
2060 such action, the prevailing party shall recover reasonable  
2061 attorney fees and costs.

2062 **Section 9. Subsection (7) of section 718.1255, Florida**  
2063 **Statutes, is renumbered as subsection (9), paragraph (a) of**  
2064 **subsection (4) and subsection (6) are amended, and new**  
2065 **subsections (7) and (8) are added to that section, to read:**

2066 718.1255 Alternative dispute resolution; mediation;  
2067 nonbinding arbitration; applicability.—

2068 (4) NONBINDING ARBITRATION AND MEDIATION OF DISPUTES.—The  
2069 Division of Florida Condominiums, Timeshares, and Mobile Homes  
2070 of the Department of Business and Professional Regulation may  
2071 employ full-time attorneys to act as arbitrators to conduct the  
2072 arbitration hearings provided by this chapter. The division may  
2073 also certify attorneys who are not employed by the division to  
2074 act as arbitrators to conduct the arbitration hearings provided  
2075 by this chapter. A person may not be employed by the department

2076 as a full-time arbitrator unless he or she is a member in good  
2077 standing of The Florida Bar. A person may only be certified by  
2078 the division to act as an arbitrator if he or she has been a  
2079 member in good standing of The Florida Bar for at least 5 years  
2080 and has mediated or arbitrated at least 10 disputes involving  
2081 condominiums in this state during the 3 years immediately  
2082 preceding the date of application, mediated or arbitrated at  
2083 least 30 disputes in any subject area in this state during the 3  
2084 years immediately preceding the date of application, or attained  
2085 board certification in real estate law or condominium and  
2086 planned development law from The Florida Bar. Arbitrator  
2087 certification is valid for 1 year. An arbitrator who does not  
2088 maintain the minimum qualifications for initial certification  
2089 may not have his or her certification renewed. The department  
2090 may not enter into a legal services contract for an arbitration  
2091 hearing under this chapter with an attorney who is not a  
2092 certified arbitrator unless a certified arbitrator is not  
2093 available within 50 miles of the dispute. The department shall  
2094 adopt rules of procedure to govern such arbitration hearings  
2095 including mediation incident thereto. The decision of an  
2096 arbitrator is final; however, a decision is not deemed final  
2097 agency action. Nothing in this provision shall be construed to  
2098 foreclose parties from proceeding in a trial de novo unless the  
2099 parties have agreed that the arbitration is binding. If judicial  
2100 proceedings are initiated, the final decision of the arbitrator

2101 is admissible in evidence in the trial de novo.

2102 (a) Before the institution of court litigation, a party to  
2103 a dispute, other than an election or recall dispute, shall  
2104 either petition the division for nonbinding arbitration or  
2105 initiate presuit mediation as provided in subsection (5). In an  
2106 election or recall dispute that is arbitrated by the division,  
2107 the arbitration decision is binding on the parties unless  
2108 removed pursuant to subsection (7). For all other disputes,  
2109 arbitration is binding on the parties if all parties in  
2110 arbitration agree to be bound in a writing filed in arbitration.  
2111 The petition must be accompanied by a filing fee in the amount  
2112 of \$50. Filing fees collected under this section must be used to  
2113 defray the expenses of the alternative dispute resolution  
2114 program.

2115 (6) DISPUTES INVOLVING ELECTION IRREGULARITIES OR RECALL  
2116 OF A DIRECTOR.—Every arbitration petition received by the  
2117 division and required to be filed under this section challenging  
2118 the legality of the election of any director of the board of  
2119 administration or the recall of any director of the board of  
2120 administration must be handled on an expedited basis in the  
2121 manner provided by the division's rules for recall arbitration  
2122 disputes. If a challenge to an election or recall dispute is  
2123 filed in circuit court, the challenge must be brought in equity  
2124 as a summary proceeding pursuant to s. 51.011. The party filing  
2125 the action may request the court to issue a temporary injunction

2126 to stay an upcoming election while the action is pending. The  
2127 court must set an immediate hearing when an action is filed  
2128 pursuant to this subsection. The court may limit the time for  
2129 taking testimony based on the circumstances of the matter and  
2130 the proximity of the date on which a succeeding election is  
2131 scheduled, if applicable. An action filed pursuant to this  
2132 subsection must be tried without a jury. The prevailing party in  
2133 an action filed pursuant to this subsection shall recover  
2134 reasonable attorney fees and costs.

2135 (7) REMOVAL OF ELECTION AND RECALL ARBITRATION ACTIONS.—

2136 (a) A unit owner, a recall representative, or an  
2137 association may remove a petition for arbitration for an  
2138 election or a recall dispute within 10 days after service of  
2139 such petition by filing a notice of removal and complaint in the  
2140 circuit court for the county in which the association is  
2141 located. The failure to timely file a notice of removal and  
2142 complaint bars the parties from seeking a trial de novo or  
2143 otherwise filing an action in circuit court and the arbitration  
2144 ruling by the division is final and binding on the parties.

2145 (b) A notice of removal and complaint, as well as a copy  
2146 of all process, pleadings, and orders served in an action, must  
2147 be signed pursuant to the Florida Rules of Civil Procedure. The  
2148 party that does not seek the removal of the arbitration decision  
2149 does not need to consent to the filing of a notice of removal  
2150 and complaint. The party filing the notice of removal and

2151 complaint must simultaneously serve written notice to all  
2152 parties and file a copy of such written notice with the  
2153 division, which ceases any further action on the matter. The  
2154 party filing the notice of removal and complaint must pay all  
2155 applicable filing fees within 5 days after filing the notice of  
2156 removal and complaint. An action or counterclaim filed after the  
2157 filing of the notice of removal and complaint must be brought in  
2158 equity as a summary proceeding pursuant to s. 51.011. The party  
2159 filing the action may request the court to issue a temporary  
2160 injunction to stay an upcoming election while the action is  
2161 pending. The court must set an immediate hearing when an action  
2162 is filed pursuant to this paragraph. The court may limit the  
2163 time for taking testimony based on the circumstances of the  
2164 matter and the proximity of the date on which a succeeding  
2165 election is scheduled, if applicable. An action filed pursuant  
2166 to this paragraph must be tried without a jury. Pursuant to  
2167 subsection (8), reasonable attorney fees and costs may be  
2168 awarded in disputes brought under this subsection.

2169 (8) ATTORNEY FEES AND COSTS FOR DISPUTES INVOLVING A  
2170 RECALL OF DIRECTORS.—If the division or a court of this state  
2171 renders a judgment or decree against an association and in favor  
2172 of the unit owner, the division, trial court, or, in the event  
2173 of an appeal in which the unit owner prevails, the appellate  
2174 court shall order the association to pay all costs incurred by  
2175 the unit owner in the action and the unit owner's reasonable

2176 attorney fees. The division or court may award such costs and  
 2177 attorney fees in the judgment or decree rendered in the action  
 2178 or such costs and attorney fees may be included in a separate  
 2179 judgment or decree. Costs and attorney fees may not be recovered  
 2180 in any action involving the recall of directors except as  
 2181 provided in this subsection or if awarded as a sanction under s.  
 2182 57.105.

2183 **Section 10. Subsection (6) of section 718.128, Florida**  
 2184 **Statutes, is renumbered as subsection (8), subsection (4) is**  
 2185 **amended, and new subsections (6) and (7) are added to that**  
 2186 **section, to read:**

2187 718.128 Electronic voting.—The association may conduct  
 2188 elections and other unit owner votes through an Internet-based  
 2189 online voting system if a unit owner consents, electronically or  
 2190 in writing, to online voting and if the following requirements  
 2191 are met:

2192 (4) This section applies to an association that provides  
 2193 for and authorizes an online voting system pursuant to this  
 2194 section by a board resolution. If the board authorizes online  
 2195 voting, the board must honor a unit owner's request to vote  
 2196 electronically at all subsequent elections, unless such unit  
 2197 owner opts out of online voting. The board resolution must  
 2198 provide that unit owners receive notice of the opportunity to  
 2199 vote through an online voting system, must establish reasonable  
 2200 procedures and deadlines for unit owners to consent,



2201 electronically or in writing, to online voting, and must  
2202 establish reasonable procedures and deadlines for unit owners to  
2203 opt out of online voting after giving consent. ~~Written notice of~~  
2204 ~~a meeting at which the resolution will be considered must be~~  
2205 ~~mailed, delivered, or electronically transmitted to the unit~~  
2206 ~~owners and posted conspicuously on the condominium property or~~  
2207 ~~association property at least 14 days before the meeting.~~  
2208 ~~Evidence of compliance with the 14-day notice requirement must~~  
2209 ~~be made by an affidavit executed by the person providing the~~  
2210 ~~notice and filed with the official records of the association.~~

2211 (6) If at least 25 percent of the voting interests of a  
2212 condominium petition the board to adopt a resolution for  
2213 electronic voting for the next scheduled election, the board  
2214 must hold a meeting within 21 days after receipt of the petition  
2215 to adopt such resolution. The board must receive the petition  
2216 within 180 days after the date of the last scheduled annual  
2217 meeting.

2218 (7) (a) Unless the association has adopted electronic  
2219 voting in accordance with subsections (1)-(6), the association  
2220 must designate an e-mail address for receipt of electronically  
2221 transmitted ballots. Electronically transmitted ballots must  
2222 meet all the requirements of this subsection.

2223 (b) A unit owner may electronically transmit a ballot to  
2224 the e-mail address designated by the association without  
2225 complying with s. 718.112(2)(d)2. or the rules providing for the

2226 secrecy of ballots adopted by the division. The association must  
 2227 count completed ballots that are electronically transmitted to  
 2228 the designated e-mail address, provided the completed ballot  
 2229 complies with the requirements of this subsection.

2230 (c) A ballot that is electronically transmitted to the  
 2231 association must include all of the following:

2232 1. A space for the unit owner to type in his or her unit  
 2233 number.

2234 2. A space for the unit owner to type in his or her first  
 2235 and last name, which also functions as the signature of the unit  
 2236 owner for purposes of signing the ballot.

2237 3. The following statement in capitalized letters and in a  
 2238 font size larger than any other font size used in the e-mail  
 2239 from the association to the unit owner:

2241 WAIVING THE SECRECY OF YOUR BALLOT IS YOUR CHOICE. YOU DO  
 2242 NOT HAVE TO WAIVE THE SECRECY OF YOUR BALLOT IN ORDER TO  
 2243 VOTE. BY TRANSMITTING YOUR COMPLETED BALLOT THROUGH E-MAIL  
 2244 TO THE ASSOCIATION, YOU WAIVE YOUR SECRECY OF YOUR  
 2245 COMPLETED BALLOT. IF YOU DO NOT WISH TO WAIVE YOUR SECRECY  
 2246 BUT WISH TO PARTICIPATE IN THE VOTE THAT IS THE SUBJECT OF  
 2247 THIS BALLOT, PLEASE ATTEND THE IN-PERSON MEETING DURING  
 2248 WHICH THE MATTER WILL BE VOTED ON.

2250 (d) A unit owner must transmit his or her completed ballot

2251 to the e-mail address designated by the association no later  
 2252 than the scheduled date and time of the meeting during which the  
 2253 matter is being voted on.

2254 (e) There is a rebuttable presumption that an association  
 2255 has reviewed all folders associated with the e-mail address  
 2256 designated by the association to receive ballots if a board  
 2257 member, an officer, or an agent of the association, or a manager  
 2258 licensed under part VIII of chapter 468, provides a sworn  
 2259 affidavit attesting to such review.

2260 **Section 11. Subsection (7) of section 718.203, Florida**  
 2261 **Statutes, is amended to read:**

2262 718.203 Warranties.—

2263 (7) ~~Residential~~ Condominiums may be covered by an insured  
 2264 warranty program underwritten by a licensed insurance company  
 2265 registered in this state, provided that such warranty program  
 2266 meets the minimum requirements of this chapter; to the degree  
 2267 that such warranty program does not meet the minimum  
 2268 requirements of this chapter, such requirements shall apply.

2269 **Section 12. Subsection (1) of section 718.301, Florida**  
 2270 **Statutes, is amended to read:**

2271 718.301 Transfer of association control; claims of defect  
 2272 by association.—

2273 (1) If unit owners other than the developer own 15 percent  
 2274 or more of the units in a condominium that will be operated  
 2275 ultimately by an association, the unit owners other than the

2276 developer are entitled to elect at least one-third of the  
2277 members of the board of administration of the association. Unit  
2278 owners other than the developer are entitled to elect at least a  
2279 majority of the members of the board of administration of an  
2280 association, upon the first to occur of any of the following  
2281 events:

2282 (a) Three years after 50 percent of the units that will be  
2283 operated ultimately by the association have been conveyed to  
2284 purchasers;

2285 (b) Three months after 90 percent of the units that will  
2286 be operated ultimately by the association have been conveyed to  
2287 purchasers;

2288 (c) When all the units that will be operated ultimately by  
2289 the association have been completed, some of them have been  
2290 conveyed to purchasers, and none of the others are being offered  
2291 for sale by the developer in the ordinary course of business;

2292 (d) When some of the units have been conveyed to  
2293 purchasers and none of the others are being constructed or  
2294 offered for sale by the developer in the ordinary course of  
2295 business;

2296 (e) When the developer files a petition seeking protection  
2297 in bankruptcy;

2298 (f) When a receiver for the developer is appointed by a  
2299 circuit court and is not discharged within 30 days after such  
2300 appointment, unless the court determines within 30 days after

2301 appointment of the receiver that transfer of control would be  
2302 detrimental to the association or its members; or  
2303 (g) Seven years after the date of the recording of the  
2304 certificate of a surveyor and mapper pursuant to s.  
2305 718.104(4)(e) or the recording of an instrument that transfers  
2306 title to a unit in the condominium which is not accompanied by a  
2307 recorded assignment of developer rights in favor of the grantee  
2308 of such unit, whichever occurs first; or, in the case of an  
2309 association that may ultimately operate more than one  
2310 condominium, 7 years after the date of the recording of the  
2311 certificate of a surveyor and mapper pursuant to s.  
2312 718.104(4)(e) or the recording of an instrument that transfers  
2313 title to a unit which is not accompanied by a recorded  
2314 assignment of developer rights in favor of the grantee of such  
2315 unit, whichever occurs first, for the first condominium it  
2316 operates; or, in the case of an association operating a phase  
2317 condominium created pursuant to s. 718.403, 7 years after the  
2318 date of the recording of the certificate of a surveyor and  
2319 mapper pursuant to s. 718.104(4)(e) or the recording of an  
2320 instrument that transfers title to a unit which is not  
2321 accompanied by a recorded assignment of developer rights in  
2322 favor of the grantee of such unit, whichever occurs first.  
2323  
2324 The developer is entitled to elect at least one member of the  
2325 board of administration of an association as long as the

2326 developer holds for sale in the ordinary course of business at  
 2327 least 5 percent, in condominiums with fewer than 500 units, and  
 2328 2 percent, in condominiums with more than 500 units, of the  
 2329 units in a condominium operated by the association. After the  
 2330 developer relinquishes control of the association, the developer  
 2331 may exercise the right to vote any developer-owned units in the  
 2332 same manner as any other unit owner except for purposes of  
 2333 reacquiring control of the association or selecting the majority  
 2334 members of the board of administration. Beginning July 1, 2025,  
 2335 paragraphs (a), (c), (d), and (g) do not apply to nonresidential  
 2336 condominiums comprised of 10 or fewer units.

2337 **Section 13. Paragraphs (a) and (b) of subsection (1) of**  
 2338 **section 718.302, Florida Statutes, are amended to read:**

2339 718.302 Agreements entered into by the association.—

2340 (1) Any grant or reservation made by a declaration, lease,  
 2341 or other document, and any contract made by an association prior  
 2342 to assumption of control of the association by unit owners other  
 2343 than the developer, that provides for operation, maintenance, or  
 2344 management of a condominium association or property serving the  
 2345 unit owners of a condominium shall be fair and reasonable, and  
 2346 such grant, reservation, or contract may be canceled by unit  
 2347 owners other than the developer:

2348 (a) If the association operates only one condominium and  
 2349 the unit owners other than the developer have assumed control of  
 2350 the association, or if unit owners other than the developer own

2351 at least ~~not less than~~ 75 percent of the voting interests in the  
2352 condominium or 90 percent of the voting interests if the  
2353 condominium is a nonresidential condominium consisting of 10 or  
2354 fewer units, the cancellation must ~~shall~~ be by concurrence of  
2355 the owners of at least ~~not less than~~ 75 percent of the voting  
2356 interests other than the voting interests owned by the  
2357 developer. If a grant, reservation, or contract is so canceled  
2358 and the unit owners other than the developer have not assumed  
2359 control of the association, the association must ~~shall~~ make a  
2360 new contract or otherwise provide for maintenance, management,  
2361 or operation in lieu of the canceled obligation, at the  
2362 direction of the owners of not less than a majority of the  
2363 voting interests in the condominium other than the voting  
2364 interests owned by the developer.

2365 (b) If the association operates more than one condominium  
2366 and the unit owners other than the developer have not assumed  
2367 control of the association, and if unit owners other than the  
2368 developer own at least 75 percent of the voting interests in the  
2369 condominiums ~~a condominium~~ operated by the association or,  
2370 beginning July 1, 2025, 90 percent of the voting interests if  
2371 the condominium is a nonresidential condominium consisting of 10  
2372 or fewer units, any grant, reservation, or contract for  
2373 maintenance, management, or operation of buildings containing  
2374 the units in that condominium or of improvements used only by  
2375 unit owners of that condominium may be canceled by concurrence

2376 of the owners of at least 75 percent, or 90 percent if the  
 2377 condominium is a nonresidential condominium consisting of 10 or  
 2378 fewer units, of the voting interests in the condominium other  
 2379 than the voting interests owned by the developer. A ~~No~~ grant,  
 2380 reservation, or contract for maintenance, management, or  
 2381 operation of recreational areas or any other property serving  
 2382 more than one condominium, and operated by more than one  
 2383 association, may not be canceled except pursuant to paragraph  
 2384 (d).

2385 **Section 14. Subsection (4) of section 718.407, Florida**  
 2386 **Statutes, is amended to read:**

2387 718.407 Condominiums created within a portion of a  
 2388 building or within a multiple parcel building.—

2389 (4) (a) The association of a condominium subject to this  
 2390 section may inspect and copy the books and records upon which  
 2391 the costs for maintaining and operating the shared facilities  
 2392 are based, and must ~~to~~ receive an annual budget with respect to  
 2393 such costs.

2394 (b) Within 60 days after the end of each fiscal year, a  
 2395 complete financial report of all costs for maintaining and  
 2396 operating the shared facilities must be provided to the  
 2397 association. Such report must include copies of all receipts and  
 2398 invoices.

2399 (c) Within 60 days after receipt of the financial report,  
 2400 the association may challenge any apportionment of costs for the



2401 maintenance and operation of the shared facilities. A challenge  
 2402 under this paragraph is governed by s. 720.311.

2403 **Section 15. Paragraph (d) of subsection (1) and paragraphs**  
 2404 **(d) and (e) of subsection (2) of section 718.503, Florida**  
 2405 **Statutes, are amended to read:**

2406 718.503 Developer disclosure prior to sale; nondeveloper  
 2407 unit owner disclosure prior to sale; voidability.—

2408 (1) DEVELOPER DISCLOSURE.—

2409 (d) Milestone inspection, turnover inspection report, or  
 2410 structural integrity reserve study.—If the association is  
 2411 required to have completed a milestone inspection as described  
 2412 in s. 553.899, a turnover inspection report for a turnover  
 2413 inspection performed on or after July 1, 2023, or a structural  
 2414 integrity reserve study, and the association has not completed  
 2415 the milestone inspection, the turnover inspection report, or the  
 2416 structural integrity reserve study, each contract entered into  
 2417 after December 31, 2024, for the sale of a residential unit  
 2418 shall contain in conspicuous type a statement indicating that  
 2419 the association is required to have a milestone inspection, a  
 2420 turnover inspection report, or a structural integrity reserve  
 2421 study and has not completed such inspection, report, or study,  
 2422 as appropriate. If the association is not required to have a  
 2423 milestone inspection as described in s. 553.899 or a structural  
 2424 integrity reserve study, each contract entered into after  
 2425 December 31, 2024, for the sale of a residential unit shall

2426 contain in conspicuous type a statement indicating that the  
2427 association is not required to have a milestone inspection or a  
2428 structural integrity reserve study, as appropriate. If the  
2429 association has completed a milestone inspection as described in  
2430 s. 553.899, a turnover inspection report for a turnover  
2431 inspection performed on or after July 1, 2023, or a structural  
2432 integrity reserve study, each contract entered into after  
2433 December 31, 2024, for the sale of a residential unit shall  
2434 contain in conspicuous type:

2435 1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES  
2436 THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE INSPECTOR-  
2437 PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED  
2438 IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF  
2439 THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION  
2440 718.301(4)(p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A  
2441 COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY  
2442 RESERVE STUDY DESCRIBED IN SECTIONS 718.103 ~~718.103(26)~~ AND  
2443 718.112(2)(g), FLORIDA STATUTES, IF APPLICABLE, MORE THAN 15  
2444 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, PRIOR TO  
2445 EXECUTION OF THIS CONTRACT; or ~~and~~

2446 2. A clause which states: THIS AGREEMENT IS VOIDABLE BY  
2447 BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO  
2448 CANCEL WITHIN 15 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL  
2449 HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE  
2450 BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE INSPECTOR-

2451 PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED  
2452 IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF  
2453 THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION  
2454 718.301(4)(p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A  
2455 COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY  
2456 RESERVE STUDY DESCRIBED IN SECTIONS 718.103 ~~718.103(26)~~ AND  
2457 718.112(2)(g), FLORIDA STATUTES, IF APPLICABLE. ANY PURPORTED  
2458 WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER  
2459 MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 15  
2460 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER  
2461 THE BUYER RECEIVES A CURRENT COPY OF THE INSPECTOR-PREPARED  
2462 SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN  
2463 SECTION 553.899, FLORIDA STATUTES; A COPY OF THE TURNOVER  
2464 INSPECTION REPORT DESCRIBED IN SECTION 718.301(4)(p) AND (q),  
2465 FLORIDA STATUTES; OR A COPY OF THE ASSOCIATION'S MOST RECENT  
2466 STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS 718.103  
2467 ~~718.103(26)~~ AND 718.112(2)(g), FLORIDA STATUTES, IF REQUESTED IN  
2468 WRITING. BUYER'S RIGHT TO VOID THIS AGREEMENT SHALL TERMINATE AT  
2469 CLOSING.

2470  
2471 A contract that does not conform to the requirements of this  
2472 paragraph is voidable at the option of the purchaser prior to  
2473 closing.

2474 (2) NONDEVELOPER DISCLOSURE.—

2475 (d) Each contract entered into after July 1, 1992, for the

2476 resale of a residential unit shall contain in conspicuous type  
 2477 either:

2478 1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES  
 2479 THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE DECLARATION  
 2480 OF CONDOMINIUM, ARTICLES OF INCORPORATION OF THE ASSOCIATION,  
 2481 BYLAWS AND RULES OF THE ASSOCIATION, A COPY OF THE MOST RECENT  
 2482 ANNUAL FINANCIAL STATEMENT AND ANNUAL BUDGET, AND FREQUENTLY  
 2483 ASKED QUESTIONS AND ANSWERS DOCUMENT MORE THAN 3 DAYS, EXCLUDING  
 2484 SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, PRIOR TO EXECUTION OF  
 2485 THIS CONTRACT; or

2486 2. A clause which states: THIS AGREEMENT IS VOIDABLE BY  
 2487 BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO  
 2488 CANCEL WITHIN 3 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL  
 2489 HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE  
 2490 BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE DECLARATION  
 2491 OF CONDOMINIUM, ARTICLES OF INCORPORATION, BYLAWS AND RULES OF  
 2492 THE ASSOCIATION, A COPY OF THE MOST RECENT ANNUAL FINANCIAL  
 2493 STATEMENT AND ANNUAL BUDGET, AND FREQUENTLY ASKED QUESTIONS AND  
 2494 ANSWERS DOCUMENT IF SO REQUESTED IN WRITING. ANY PURPORTED  
 2495 WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER  
 2496 MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 3  
 2497 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER  
 2498 THE BUYER RECEIVES THE DECLARATION, ARTICLES OF INCORPORATION,  
 2499 BYLAWS AND RULES OF THE ASSOCIATION, AND A COPY OF THE MOST  
 2500 RECENT ANNUAL FINANCIAL STATEMENT AND ANNUAL BUDGET ~~YEAR-END~~

2501 ~~FINANCIAL INFORMATION~~ AND FREQUENTLY ASKED QUESTIONS AND ANSWERS  
2502 DOCUMENT IF REQUESTED IN WRITING. BUYER'S RIGHT TO VOID THIS  
2503 AGREEMENT SHALL TERMINATE AT CLOSING.

2504  
2505 A contract that does not conform to the requirements of this  
2506 paragraph is voidable at the option of the purchaser before  
2507 ~~prior to~~ closing.

2508 (e) If the association is required to have completed a  
2509 milestone inspection as described in s. 553.899, a turnover  
2510 inspection report for a turnover inspection performed on or  
2511 after July 1, 2023, or a structural integrity reserve study, and  
2512 the association has not completed the milestone inspection, the  
2513 turnover inspection report, or the structural integrity reserve  
2514 study, each contract entered into after December 31, 2024, for  
2515 the sale of a residential unit shall contain in conspicuous type  
2516 a statement indicating that the association is required to have  
2517 a milestone inspection, a turnover inspection report, or a  
2518 structural integrity reserve study and has not completed such  
2519 inspection, report, or study, as appropriate. If the association  
2520 is not required to have a milestone inspection as described in  
2521 s. 553.899 or a structural integrity reserve study, each  
2522 contract entered into after December 31, 2024, for the sale of a  
2523 residential unit shall contain in conspicuous type a statement  
2524 indicating that the association is not required to have a  
2525 milestone inspection or a structural integrity reserve study, as

2526 appropriate. If the association has completed a milestone  
2527 inspection as described in s. 553.899, a turnover inspection  
2528 report for a turnover inspection performed on or after July 1,  
2529 2023, or a structural integrity reserve study, each contract  
2530 entered into after December 31, 2024, for the resale of a  
2531 residential unit shall contain in conspicuous type:

2532 1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES  
2533 THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE INSPECTOR-  
2534 PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED  
2535 IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF  
2536 THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION  
2537 718.301(4)(p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A  
2538 COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY  
2539 RESERVE STUDY DESCRIBED IN SECTIONS 718.103 ~~718.103(26)~~ AND  
2540 718.112(2)(g), FLORIDA STATUTES, IF APPLICABLE, MORE THAN 3  
2541 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, PRIOR TO  
2542 EXECUTION OF THIS CONTRACT; or ~~and~~

2543 2. A clause which states: THIS AGREEMENT IS VOIDABLE BY  
2544 BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO  
2545 CANCEL WITHIN 3 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL  
2546 HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE  
2547 BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE INSPECTOR-  
2548 PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED  
2549 IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF  
2550 THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION

2551 718.301(4)(p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A  
2552 COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY  
2553 RESERVE STUDY DESCRIBED IN SECTIONS 718.103 ~~718.103(26)~~ AND  
2554 718.112(2)(g), FLORIDA STATUTES, IF APPLICABLE. ANY PURPORTED  
2555 WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER  
2556 MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 3  
2557 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER  
2558 THE BUYER RECEIVES A CURRENT COPY OF THE INSPECTOR-PREPARED  
2559 SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN  
2560 SECTION 553.899, FLORIDA STATUTES; A COPY OF THE TURNOVER  
2561 INSPECTION REPORT DESCRIBED IN SECTION 718.301(4)(p) AND (q),  
2562 FLORIDA STATUTES; OR A COPY OF THE ASSOCIATION'S MOST RECENT  
2563 STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS 718.103  
2564 ~~718.103(26)~~ AND 718.112(2)(g), FLORIDA STATUTES, IF REQUESTED IN  
2565 WRITING. BUYER'S RIGHT TO VOID THIS AGREEMENT SHALL TERMINATE AT  
2566 CLOSING.

2567  
2568 A contract that does not conform to the requirements of this  
2569 paragraph is voidable at the option of the purchaser before  
2570 ~~prior to~~ closing.

2571 **Section 16. Section 31 of chapter 2024-244, 2024 Laws of**  
2572 **Florida, is amended to read:**

2573 Section 31. The amendments made to ss. 718.103(14) and  
2574 718.202(3) and s. 718.407(1), (2), and (6), Florida Statutes, as  
2575 created by this act, are intended to clarify existing law and

2576 shall apply retroactively. However, such amendments do not  
2577 revive, ~~or~~ reinstate, or retroactively apply to any right or  
2578 interest of a condominium unit owner or condominium association  
2579 in a matter pending adjudication ~~that has been fully and finally~~  
2580 ~~adjudicated as invalid~~ before October 1, 2024.

2581 **Section 17.** Except as otherwise provided in this act, this  
2582 act shall take effect July 1, 2025.