

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

26 | manager or a community association management firm
27 | from knowingly performing any act directed by the
28 | community association if such act violates any state
29 | or federal law; revising the contractual obligations a
30 | community association manager or a community
31 | association management firm has with the association
32 | board; requiring that a contract include a certain
33 | statement, if applicable to the type of management
34 | services provided in the contract; providing that such
35 | contracts may not waive or limit certain professional
36 | practice standards; requiring a community association
37 | to include specified information on its website or
38 | mobile application, if such association is required to
39 | maintain official records on a website or an
40 | application; conforming provisions to changes made by
41 | the act; amending s. 468.4335, F.S.; revising what
42 | constitutes a rebuttable presumption of a conflict of
43 | interest with a community association manager or a
44 | community association management firm; defining the
45 | term "compensation"; requiring an association to
46 | solicit multiple bids from other third-party providers
47 | if a bid that exceeds a specified amount is or may
48 | reasonably be construed to be a conflict of interest;
49 | providing applicability; deleting a requirement that
50 | all contracts and transactional documents related to a

51 proposed activity that is a conflict of interest be
52 attached to the meeting agenda of the next board of
53 administration meeting; requiring that the notice for
54 the board meeting at which certain activity will be
55 considered include certain information about a
56 proposed activity that is a conflict of interest;
57 deleting a requirement that the proposed activity be
58 disclosed at the next regular or special meeting of
59 the members; providing that a contract is voidable if
60 certain findings are made; providing specifications
61 for terminating a contract; making technical changes;
62 amending s. 553.899, F.S.; revising the criteria for
63 buildings that require a milestone inspection;
64 requiring, rather than authorizing, the board of
65 county commissioners or a municipal governing body to
66 adopt a specified ordinance; requiring specified
67 professionals who bid to perform a milestone
68 inspection to disclose to the association in writing
69 their intent to bid on services related to any
70 maintenance, repair, or replacement that may be
71 recommended by the milestone inspection; prohibiting
72 such professionals from having any interest in or
73 being related to any person having any interest in the
74 firm or entity providing the association's milestone
75 inspection unless such relationship is disclosed in

76 writing; defining the term "relative"; providing that
77 a contract for services is voidable and terminates
78 upon the association filing a written notice
79 terminating such contract if such professionals fail
80 to provide a written disclosure of such relationship;
81 providing that such professionals may be subject to
82 discipline for failure to provide such written
83 disclosure; requiring the local enforcement agency
84 responsible for milestone inspections to provide to
85 the department specified information in an electronic
86 format by a specified date; requiring the department
87 to provide to the Office of Program Policy Analysis
88 and Government Accountability (OPPAGA) all information
89 obtained from the local enforcement agencies by a
90 specified date; authorizing OPPAGA to request from the
91 local enforcement agency any additional information
92 necessary to compile and provide a report to the
93 Legislature; amending s. 718.103, F.S.; revising the
94 definition of the term "alternative funding method";
95 defining the term "video conference"; amending s.
96 718.110, F.S.; providing that the declaration of a
97 nonresidential condominium may be amended to change
98 certain provisions if all affected record owners join
99 in the execution of such amendment; providing that the
100 approval of nonaffected record owners is not required;

101 requiring that certain documents be served at a unit
102 owner's address as reflected in the association's
103 official records; amending s. 718.111, F.S.; requiring
104 a community association manager or a community
105 association management firm that contracts with a
106 community association to possess specified licenses;
107 providing that all board members or officers of a
108 community association that contracts with a community
109 association manager or a community association
110 management firm have a duty to ensure that the
111 community association manager or community association
112 management firm is properly licensed before entering
113 into a contract; authorizing a community association
114 to terminate a contract with a community association
115 manager or a community association management firm if
116 the manager's or management firm's license is
117 suspended or revoked during the term of the contract;
118 requiring every condominium association to have
119 adequate property insurance; deleting specified
120 required coverage; providing that the amount of
121 adequate insurance coverage may be based on the
122 replacement cost of the property to be insured, as
123 determined by an independent insurance appraisal or
124 previous appraisal; requiring that such replacement
125 cost be determined according to a specified timeframe;

126 providing that an association's obligation to obtain
127 and provide adequate property insurance may be
128 satisfied by obtaining and maintaining insurance
129 coverage sufficient to cover a specified amount;
130 revising which items constitute the official records
131 of the association; requiring that certain documents
132 be posted on certain associations' websites or made
133 available for download through an application on a
134 mobile device within a specified timeframe; revising
135 which documents must be posted in digital format on
136 the association's website or application; revising the
137 timeframe in which the association must deliver a copy
138 of the most recent financial report or a notice that a
139 copy of the most recent financial report will be
140 distributed; revising the methods of delivery for a
141 copy of the most recent association financial report
142 to include electronic delivery via the Internet;
143 requiring that an officer or a director execute an
144 affidavit as evidence of compliance with the delivery
145 requirement; revising how financial reports are
146 prepared; requiring an association board to use best
147 efforts to make prudent investment decisions in
148 fulfilling its duty to manage operating and reserve
149 funds of the association; authorizing an association,
150 including a multicondominium association, to invest

151 reserve funds in specified financial institutions
152 without a vote of the unit owners; amending s.
153 718.112, F.S.; authorizing an association board
154 meeting to be conducted in person or by video
155 conference; requiring the Division of Florida
156 Condominiums, Timeshares, and Mobile Homes to adopt
157 rules; requiring that notice for board meetings
158 conducted via video conference contain specific
159 information; requiring that such meetings be recorded
160 and maintained as an official record of the
161 association; revising the distance from the
162 condominium property within which a unit owner meeting
163 must be held; authorizing a unit owner to vote
164 electronically if the unit owner meeting is conducted
165 via video conference; authorizing unit owner meetings
166 to be conducted in person or via video conference;
167 specifying what constitutes a quorum for meetings held
168 via video conference; requiring that, if the bylaws
169 are silent as to the location, the location of the
170 meeting be provided in the association bylaws or
171 within a specified distance from, or within the same
172 county of, the condominium property; requiring that
173 meetings held via video conference be recorded and be
174 maintained as an official record of the association;
175 requiring the division to adopt rules; revising the

176 methods of serving notice of unit owner meetings;
177 authorizing budget meetings to be conducted via video
178 conference; requiring the division to adopt rules;
179 requiring that a sound transmitting device be used at
180 such meetings for a specified purpose; revising a
181 provision requiring that a board proposing a budget
182 that requires a certain special assessment against
183 unit owners simultaneously propose a substitute budget
184 that meets certain requirements, rather than conduct a
185 special meeting of the unit owners to consider a
186 substitute budget after the adoption of the annual
187 budget; requiring unit owners, rather than authorizing
188 them, to consider a substitute budget; providing that
189 the annual budget initially proposed by the board be
190 adopted under certain circumstances; revising the
191 criteria used in determining whether assessments
192 exceed the specified percentage of assessments of the
193 previous fiscal year; revising the threshold for
194 deferred maintenance expenses or replacements in
195 reserve accounts; authorizing the members to vote to
196 waive the maintenance of reserves recommended in the
197 most recent structural integrity reserve study under
198 certain circumstances; deleting a requirement that the
199 division approve the funding method; providing that
200 specified reserves may be funded by regular

assessments, special assessments, lines of credit, or loans under certain circumstances; requiring that any special assessment, line of credit, or loan be approved by a majority of the total voting interests of the association; authorizing a unit-owner-controlled association that is required to have a structural reserve study to obtain a line of credit or a loan to fund capital expenses required by a milestone inspection or a structural integrity reserve study; requiring that any special assessment, line of credit, or loan be sufficient to fund the cumulative amount of any previously waived or unfunded portions of the reserve funding amount and the most recent structural integrity reserve study; requiring that funding from the line of credit or loan be immediately available for access by the board for a specified purpose without further approval by association members; requiring that such special assessments, lines of credit, or loans be included in the association's financial report; providing applicability; deleting a requirement that the majority of the members must approve of the board pausing contributions to the association's reserves for a specified purpose; authorizing the board to temporarily pause reserve fund contributions or reduce

the amount of reserve funding for a specified purpose for a budget adopted on or before a specified date if the association has completed a milestone inspection within a specified timeframe and such inspection recommended certain repairs; requiring that such temporary pause or reduction be approved by a majority of the total voting interests of the association; providing applicability; requiring associations that have paused or reduced their reserve funding to have a structural integrity reserve study performed before the continuation of reserve contributions for specified purposes; providing that an association's reserve accounts may be pooled for a specified number of required components; requiring that reserve funding for certain components be pooled within those components; requiring that reserve funding in the proposed annual budget be sufficient to ensure that available funds meet or exceed projected expenses for all components in the reserve pool based on the reserve funding plan or schedule of the most recent structural integrity reserve study; providing that a vote of the members is not required for the board to change the accounting method for reserves to specified accounting methods; requiring the division to annually adjust for inflation the minimum threshold amount for

required reserves, based on specified criteria;
requiring the division, by a specified date and
annually thereafter, to conspicuously post on its
website the inflation-adjusted minimum threshold
amount for required reserves; revising the items to be
included in a structural integrity reserve study;
requiring specified design professionals or
contractors who bid to perform a structural integrity
reserve study to disclose in writing to the
association their intent to bid on any services
related to the maintenance, repair, or replacement
that may be recommended by the structural integrity
reserve study; prohibiting such professionals or
contractors from having any interest in or being
related to any person having any interest in the firm
or entity providing the association's structural
integrity reserve study unless such relationship is
disclosed in writing; defining the term "relative";
providing that a contract for services is voidable and
terminates upon the association filing a written
notice terminating such a contract if such
professional or contractor fails to provide a written
disclosure of such relationship with the firm
conducting the structural integrity reserve study;
providing that such professional or contractor may be

subject to discipline for his or her failure to provide such written disclosure; requiring that a structural integrity reserve study include a recommendation for a reserve funding schedule based on specified criteria; providing that the study may recommend other types of reserve funding schedules, provided each recommended schedule is sufficient to meet the association's maintenance obligations; requiring that reserves not required for certain items be separately identified as such in the structural integrity reserve study; requiring that the structural integrity reserve study take into consideration the funding method or methods used by the association to fund maintenance and reserve funding obligations through regular assessments, special assessments, lines of credit, or loans; requiring that a structural integrity reserve study that has been performed before the approval of a special assessment or the securing of a line of credit or a loan be updated to reflect certain information regarding the reserve funding schedule; providing that a structural integrity reserve study may be updated to reflect changes in the useful life of the reserve items after such items are repaired or replaced, and the effect such repair or replacement will have on the reserve funding schedule;

301 requiring an association to obtain an updated
302 structural integrity reserve study before adopting any
303 budget in which the reserve funding from regular
304 assessments, special assessments, lines of credit, or
305 loans do not align with the funding plan from the most
306 recent version of the structural integrity reserve
307 study; revising applicability; authorizing an
308 association to delay a required structural integrity
309 reserve study for a specified timeframe if it has
310 completed a milestone inspection or similar
311 inspection, for a specified purpose; requiring an
312 officer or director of an association to sign an
313 affidavit acknowledging receipt of the completed
314 structural integrity reserve study; requiring the
315 division to adopt rules for the form for the
316 structural integrity reserve study in coordination
317 with the Florida Building Commission; making technical
318 changes; amending s. 718.113, F.S.; requiring the
319 board to determine whose responsibility it is to pay
320 for removal or reinstallation of hurricane protection
321 under certain circumstances; deleting authorization
322 for an association to enforce and collect certain
323 charges as assessments; amending s. 718.1265, F.S.;
324 revising the emergency powers of a condominium
325 association; amending s. 718.128, F.S.; deleting a

326 requirement for written notice of certain meetings;
327 requiring, after a specified percentage of voting
328 interests adopts a resolution, a board to hold a
329 meeting within a certain timeframe to adopt such
330 resolution; requiring that a petition to adopt a
331 resolution be submitted to the board within a certain
332 timeframe; requiring an association to designate an e-
333 mail address for receipt of electronically transmitted
334 ballots; requiring that electronically transmitted
335 ballots meet specified requirements; authorizing a
336 unit owner to electronically transmit a ballot without
337 complying with certain provisions; requiring an
338 association to count completed such electronically
339 submitted ballots if such ballots comply with
340 specified requirements; providing requirements for
341 electronically transmitted ballots; providing a
342 rebuttable presumption; amending s. 718.203, F.S.;
343 providing that all condominiums, not just residential,
344 can be covered by an insured warranty program;
345 amending s. 718.301, F.S.; providing that certain
346 provisions of law relating to transfer of control of
347 an association do not apply to certain residential
348 condominiums beginning on a specified date; amending
349 s. 718.302, F.S.; providing that certain agreements
350 may be cancelled by unit owners if the unit owners own

a specified percentage of voting interests in certain condominiums; amending s. 718.407, F.S.; requiring that a specified report be provided to an association within a certain timeframe after the end of the fiscal year; requiring that copies of receipts and invoices be included with the report; authorizing the division to impose penalties under certain circumstances; authorizing an association to challenge the apportionment of certain costs of the shared facilities within a certain timeframe; providing construction; amending s. 718.501, F.S.; revising the duties of the Division of Florida Condominiums, Timeshares, and Mobile Homes regarding investigation of complaints; requiring condominium associations to create and maintain an online account with the division on or before a specified date; requiring condominium associations to provide requested information to the division; requiring the division to adopt rules; authorizing the division to require condominium associations to provide such information no more than once a year; requiring that certain information be updated within a specified timeframe; requiring the division to provide a condominium association a specified notice of any requirement to provide information after the condominium association

creates an online account; specifying the information the division may require from a condominium association; amending s. 718.503, F.S.; revising the disclosures that must be included in a contract for the sale and resale of a residential unit; amending s. 8 of chapter 2024-244, Laws of Florida, as amended; requiring that specified documents be made available on an association's website or made available for download through an application on a mobile device within a specified timeframe; revising the documents required to be posted in digital format on an association's website or application; amending s. 31 of chapter 2024-244, Laws of Florida; revising retroactivity and applicability; amending s. 719.104, F.S.; requiring a board to use best efforts to make prudent investment decisions in fulfilling its duty to manage operating and reserve funds of the cooperative association; authorizing an association to invest reserve funds in specified financial institutions without a vote of the unit owners; amending s. 719.106, F.S.; revising the deferred maintenance expense or replacement costs threshold that must be included in reserve accounts; authorizing the board to pause contributions to its reserves or reduce reserve funding if a local building official determines the

entire cooperative building is uninhabitable due to a natural emergency; authorizing any reserve account funds held by the association to be expended to make the cooperative building and its structures habitable, pursuant to the board's determination; requiring the association to immediately resume contributing funds to its reserves upon determination by the local building official that the cooperative building is habitable; providing that certain reserves may be funded by regular assessments, special assessments, lines of credit, or loans under certain circumstances; requiring that a special assessment, a line of credit, or a loan requires the approval of a majority vote of the total voting interests of an association; authorizing a unit-owner-controlled association to obtain a line of credit or a loan to fund capital expenses required by a milestone inspection or a structural integrity reserve study; requiring that such lines of credit or loans be sufficient to fund the cumulative amount of any previously waived or unfunded portion of the reserve funding amount and most recent structural integrity reserve study; requiring that funding from such line of credit or loan be immediately available for access by the board for a specified purpose without further approval by

the members of the association; requiring that any special assessment, line of credit, or loan be included in the annual financial statement to be delivered to unit owners and provided to prospective unit purchasers; authorizing the board to temporarily pause reserve fund contributions or reduce the amount of reserve funding for a specified purpose for a budget adopted on or before a specified date if the association has completed a milestone inspection within a specified timeframe; requiring that such temporary pause or reduction be approved by a majority of the total voting interests of the association; providing applicability; requiring associations that have paused or reduced reserve funding contributions to have a structural integrity reserve study performed for specified purposes before the continuation of reserve contributions; providing that an association's reserve accounts may be pooled for a specified number of required components; requiring that reserve funding for certain components be pooled within those components; requiring that reserve funding in the proposed annual budget be sufficient to ensure that available funds meet or exceed projected expenses for all components in the reserve pool based on the reserve funding plan or schedule of the most recent

451 structural integrity reserve study; providing that a
452 vote of the members is not required for the board to
453 change the accounting method for reserves to specified
454 accounting methods; requiring the division to annually
455 adjust for inflation the minimum threshold amount for
456 required reserves based on specified criteria;
457 requiring the division, by a specified date and
458 annually thereafter, to conspicuously post on its
459 website the inflation-adjusted minimum threshold
460 amount for required reserves; revising the criteria
461 for buildings that require a structural integrity
462 reserve study; revising the items required to be
463 included in a structural integrity reserve study;
464 requiring specified design professionals or
465 contractors, rather than any person qualified to
466 perform a structural integrity reserve study, to
467 perform structural integrity reserve studies;
468 requiring such design professionals or contractors who
469 bid to perform a structural integrity reserve study to
470 disclose in writing to the association their intent to
471 bid on any services related to the maintenance,
472 repair, or replacement that may be recommended by the
473 structural integrity reserve study; prohibiting such
474 professionals or contractors from having any interest
475 in or being related to any person having any interest

476 in the firm or entity providing the association's
477 structural integrity reserve study unless such
478 relationship is disclosed in writing; defining the
479 term "relative"; providing that a contract for
480 services is voidable and terminates upon the
481 association filing a written notice terminating such a
482 contract if such professional or contractor fails to
483 provide a written disclosure of such relationship with
484 the firm conducting the structural integrity reserve
485 study; providing that such professional or contractor
486 may be subject to discipline for his or her failure to
487 provide such written disclosure; requiring that a
488 structural integrity reserve study include a
489 recommendation for a reserve funding schedule based on
490 specified criteria; providing that the study may
491 recommend other types of reserve funding schedules,
492 provided each recommended schedule is sufficient to
493 meet the association's maintenance obligation;
494 requiring that reserves not required for certain items
495 be separately identified as such in the structural
496 integrity reserve study; requiring that the structural
497 integrity reserve study take into consideration the
498 funding method or methods used by the association to
499 fund its maintenance and reserve funding obligations
500 through regular assessments, special assessments,

501 lines of credit, or loans; requiring that a structural
502 integrity reserve study that has been performed before
503 the approval of a special assessment or the securing
504 of a line of credit or a loan be updated to reflect
505 certain information regarding the reserve funding
506 schedule; providing that a structural integrity
507 reserve study may be updated to reflect changes in the
508 useful life of the reserve items after such items are
509 repaired or replaced, and the effect of such repair or
510 replacement will have on the reserve funding schedule;
511 requiring an association to obtain an updated
512 structural integrity reserve study before adopting any
513 budget in which the reserve funding from regular
514 assessments, special assessments, lines of credit, or
515 loans do not align with the funding plan from the most
516 recent version of the structural integrity reserve
517 study; revising applicability; authorizing an
518 association to delay a required structural integrity
519 reserve study for a specified timeframe if it has
520 completed a milestone inspection or similar
521 inspection, for a specified purpose; requiring an
522 officer or a director of the association to sign an
523 affidavit acknowledging receipt of the completed
524 structural integrity reserve study; requiring the
525 division to adopt by rule the form for the structural

integrity reserve study in coordination with the
Florida Building Commission; amending s. 719.128,
F.S.; revising the emergency powers of a cooperative
association; amending s. 719.501, F.S.; requiring a
cooperative association to create and maintain an
online account with the division; requiring the
division to adopt rules; authorizing the division to
require cooperative associations to provide
information to the division no more than once per
year; providing an exception; requiring the division
to provide associations a specified timeframe to
provide any required information; specifying the
information the division may request; amending s.
719.503, F.S.; revising the disclosures required to be
included in a contract for the sale and resale of an
interest in a cooperative; amending s. 914.21, F.S.;
revising the definition of the term "official
investigation"; reenacting s. 468.436(2)(b), F.S.,
relating to disciplinary proceedings, to incorporate
the amendment made to s. 468.4335, F.S., in a
reference thereto; reenacting ss. 718.106(2)(b),
718.117(4), 718.403(1)(d), and 718.405(4), F.S.,
relating to condominium appurtenances, termination of
condominium, phase condominiums, and
multicondominiums, respectively, to incorporate the

amendment made to s. 718.110, F.S., in references thereto; reenacting s. 721.13(3)(e), F.S., relating to management, to incorporate the amendment made to s. 718.111, F.S., in a reference thereto; reenacting ss. 718.504(7)(a) and (21)(c) and 718.618(1)(d), F.S., relating to prospectus or offering circulars and converter reserve accounts and warranties, respectively, to incorporate the amendment made to s. 718.112, F.S., in references thereto; reenacting s. 718.115(1)(e), F.S., relating to common expenses and common surpluses, to incorporate the amendment made in s. 718.113, F.S., in a reference thereto; reenacting s. 718.706(1) and (3), F.S., relating to specific provisions pertaining to offering of units by bulk assignees or bulk buyers, to incorporate the amendments made to ss. 718.111, 718.112, and 718.503, F.S., in references thereto; reenacting s. 718.705(2), F.S., relating to the transfer of control of the board of administration, to incorporate the amendment made to s. 718.301, F.S., in a reference thereto; reenacting ss. 719.103(24) and 719.504(7)(a) and (20)(c), F.S., relating to definitions and prospectus or offering circulars, respectively, to incorporate the amendment made to s. 719.106, F.S., in references thereto; providing effective dates.

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

Section 1. Paragraph (h) is added to subsection (2) of section 468.432, Florida Statutes, and subsection (3) is added to that section, to read:

468.432 Licensure of community association managers and community association management firms; exceptions.—

(2) A community association management firm or other similar organization responsible for the management of more than 10 units or a budget of \$100,000 or greater shall not engage or hold itself out to the public as being able to engage in the business of community association management in this state unless it is licensed by the department as a community association management firm in accordance with the provisions of this part.

(h) A person who has had his or her community association manager license revoked may not have an indirect or direct ownership interest in, or be an employee, a partner, an officer, a director, or a trustee of, a community association management firm during the 10-year period after the effective date of the revocation. Such person is ineligible to reapply for certification or registration under this part for a period of 10 years after the effective date of a revocation.

(3) A licensee must create and maintain an online

licensure account with the department. Each community association manager must identify on his or her online licensure account the community association management firm for which he or she provides management services and identify each community association for which he or she is the designated onsite community association manager. A licensee must update his or her online licensure account with this information within 30 days after any change to the required information. A community association management firm must identify on its online licensure account the community association managers that it employs to provide community association management services. If a community association manager has his or her license suspended or revoked, the department must give written notice of such suspension or revocation to the community association management firm and the community association for which the manager performs community management services.

Section 2. Subsections (1) and (3) of section 468.4334, Florida Statutes, are amended to read:

468.4334 Professional practice standards; liability; community association manager requirements; return of records after termination of contract.—

(1)(a) A community association manager or a community association management firm is deemed to act as agent on behalf of a community association as principal within the scope of authority authorized by a written contract or under this

chapter. A community association manager or a community association management firm may not knowingly perform any act directed by the community association if such an act violates any state or federal law. A community association manager and a community association management firm shall discharge duties performed on behalf of the association as authorized by this chapter loyally, skillfully, and diligently; dealing honestly and fairly; in good faith; with care and full disclosure to the community association; accounting for all funds; and not charging unreasonable or excessive fees.

(b) If a community association manager or a community association management firm has a contract with a community association that is subject to the milestone inspection requirements in s. 553.899, or the structural integrity reserve study requirements in s. 718.112(2)(g) and 719.106(1)(k), the community association manager or the community association management firm must comply with those sections ~~that section~~ as directed by the board.

(c) Each contract between a community association and a community association manager or community association management firm for community association management services must include the following written statement in at least 12-point type, if applicable to the type of management services provided in the contract:

651 The community association manager shall abide by all
652 professional standards and record keeping requirements
653 imposed pursuant to part VIII of chapter 468, Florida
654 Statutes.

655
656 (d) A contract between a community association manager or
657 community association management firm and a community
658 association may not waive or limit the professional practice
659 standards required pursuant to this part.

660 (3) A community association manager or community
661 association management firm that is authorized by contract to
662 provide community association management services to a community
663 ~~homeowners'~~ association shall do all of the following:

664 (a) Attend in person at least one member meeting or board
665 meeting of the community ~~homeowners'~~ association annually.

666 (b) Provide to the members of the community ~~homeowners'~~
667 association the name and contact information for each community
668 association manager or representative of a community association
669 management firm assigned to the community ~~homeowners'~~
670 association, the manager's or representative's hours of
671 availability, and a summary of the duties for which the manager
672 or representative is responsible. The community ~~homeowners'~~
673 association shall also post this information on the
674 association's website or mobile application, if the association
675 is required to maintain official records on a website or

676 application ~~required under s. 720.303(4)(b)~~. The community
677 association manager or community association management firm
678 shall update the community homeowners' association and its
679 members within 14 business days after any change to such
680 information.

681 (c) Provide to any member upon request a copy of the
682 contract between the community association manager or community
683 association management firm and the community homeowners'
684 association and include such contract with association's
685 official records.

686 Section 3. Section 468.4335, Florida Statutes, is amended
687 to read:

688 468.4335 Conflicts of interest.—

689 (1) A community association manager or a community
690 association management firm, including directors, officers, and
691 persons with a financial interest in a community association
692 management firm, or a relative of such persons, must disclose to
693 the board of a community association any activity that may
694 reasonably be construed to be a conflict of interest. A
695 rebuttable presumption of a conflict of interest exists if any
696 of the following occurs without prior notice:

697 (a) A community association manager or a community
698 association management firm, including directors, officers, and
699 persons with a financial interest in a community association
700 management firm, or a relative of such persons, proposes to

701 enter into a contract or other transaction with the association,
702 or enters into a contract for goods or services with the
703 association, for services other than community association
704 management services.

705 (b) A community association manager or a community
706 association management firm, including directors, officers, and
707 persons with a financial interest in a community association
708 management firm, or a relative of such persons, holds an
709 interest in or receives compensation ~~or any thing of value~~ from
710 a person as defined in s. 1.01(3) which ~~corporation, limited~~
711 ~~liability corporation, partnership, limited liability~~
712 ~~partnership, or other business entity that~~ conducts business
713 with the association or proposes to enter into a contract or
714 other transaction with the association. As used in this
715 paragraph, the term "compensation" means any referral fee or
716 other monetary benefit derived from a person as defined in s.
717 1.01(3) which provides products or services to the association,
718 and any ownership interests or profit-sharing arrangements with
719 product or service providers recommended to or used by the
720 association.

721 (2) If the association receives and considers a bid that
722 exceeds \$2,500 to provide a good or service, ~~other than~~
723 community association management services which is or may
724 reasonably be construed to be a conflict of interest under
725 subsection (1), ~~from a community association manager or a~~

726 ~~community association management firm, including directors,~~
727 ~~officers, and persons with a financial interest in a community~~
728 ~~association management firm, or a relative of such persons, the~~
729 association must solicit multiple bids from other third-party
730 providers of such goods or services. This subsection does not
731 apply to any activities or the provision of goods or services
732 that are disclosed in the management services contract as a
733 conflict of interest within the meaning of subsection (1).

734 (3) If a community association manager or a community
735 association management firm, including directors, officers, and
736 persons with a financial interest in a community association
737 management firm, or a relative of such persons, proposes to
738 engage in an activity that is a conflict of interest as
739 described in subsection (1), the proposed activity must be
740 listed on, ~~and all contracts and transactional documents related~~
741 ~~to the proposed activity must be attached to,~~ the meeting agenda
742 of the next board of administration meeting. The notice for the
743 meeting at which the proposed activity will be considered by the
744 board must include a description of the proposed activity,
745 disclose the possible conflict of interest, and include a copy
746 of all contracts and transactional documents related to the
747 proposed activity. The disclosures of a possible conflict of
748 interest must be entered into the written minutes of the
749 meeting. Approval of the contract, including a management
750 contract between the community association and the community

751 association manager or community association management firm, or
752 other transaction requires an affirmative vote of two-thirds of
753 all directors present. ~~At the next regular or special meeting of~~
754 ~~the members, the existence of the conflict of interest and the~~
755 ~~contract or other transaction must be disclosed to the members.~~
756 If a community association manager or community association
757 management firm has previously disclosed a conflict of interest
758 in an existing management contract entered into between the
759 board of directors and the community association manager or
760 community association management firm, the conflict of interest
761 does not need to be additionally noticed and voted on during the
762 term of such management contract, but, upon renewal, must be
763 noticed and voted on in accordance with this subsection.

764 (4) If the board finds that a community association
765 manager or a community association management firm, including
766 directors, officers, and persons with a financial interest in a
767 community association management firm, or a relative of such
768 persons, has violated this section, the contract is voidable and
769 the association may terminate ~~cancel~~ its community association
770 management contract with the community association manager or
771 the community association management firm by delivery of a
772 written notice terminating the contract. If the contract is
773 terminated ~~canceled~~, the association is liable only for the
774 reasonable value of the management services provided up to the
775 time of cancellation and is not liable for any termination fees,

776 liquidated damages, or other form of penalty for such
777 cancellation.

778 ~~(5) If an association enters into a contract with a~~
779 ~~community association manager or a community association~~
780 ~~management firm, including directors, officers, and persons with~~
781 ~~a financial interest in a community association management firm,~~
782 ~~or a relative of such persons, which is a party to or has an~~
783 ~~interest in an activity that is a possible conflict of interest~~
784 ~~as described in subsection (1) and such activity has not been~~
785 ~~properly disclosed as a conflict of interest or potential~~
786 ~~conflict of interest as required by this section, the contract~~
787 ~~is voidable and terminates upon the association filing a written~~
788 ~~notice terminating the contract with its board of directors~~
789 ~~which contains the consent of at least 20 percent of the voting~~
790 ~~interests of the association.~~

791 ~~(6)~~ As used in this section, the term "relative" means a
792 relative within the third degree of consanguinity by blood or
793 marriage.

794 Section 4. Present subsections (12) and (13) of section
795 553.899, Florida Statutes, are redesignated as subsections (14)
796 and (15), respectively, new subsections (12) and (13) are added
797 to that section, and paragraph (a) of subsection (3) and
798 subsection (11) of that section are amended, to read:

799 553.899 Mandatory structural inspections for condominium
800 and cooperative buildings.—

(3) (a) An owner or owners of a building that is three habitable stories or more in height as determined by the Florida Building Code and that is subject, in whole or in part, to the condominium or cooperative form of ownership as a residential condominium under chapter 718 or a residential cooperative under chapter 719 must have a milestone inspection performed by December 31 of the year in which the building reaches 30 years of age, based on the date the certificate of occupancy for the building was issued, and every 10 years thereafter. If a building reached 30 years of age before July 1, 2022, the building's initial milestone inspection must be performed before December 31, 2024. If a building reaches 30 years of age on or after July 1, 2022, and before December 31, 2024, the building's initial milestone inspection must be performed before December 31, 2025. If the date of issuance for the certificate of occupancy is not available, the date of issuance of the building's certificate of occupancy shall be the date of occupancy evidenced in any record of the local building official.

(11) A board of county commissioners or municipal governing body shall ~~may~~ adopt an ordinance requiring that a condominium or cooperative association and any other owner that is subject to this section schedule or commence repairs for substantial structural deterioration within a specified timeframe after the local enforcement agency receives a phase

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

834 (12) A licensed architect or engineer who bids to perform
835 a milestone inspection must disclose in writing to the
836 association his or her intent to bid on any services related to
837 any maintenance, repair, or replacement which may be recommended
838 by the milestone inspection. Any design professional as defined
839 in s. 558.002 or contractor licensed under chapter 489 who
840 submits a bid to the association for performing any services
841 recommended by the milestone inspection may not have an
842 interest, directly or indirectly, in the firm or entity
843 providing the milestone inspection or be a relative of any
844 person having a direct or indirect interest in such firm, unless
845 such relationship is disclosed to the association in writing. As
846 used in this section, the term "relative" means a relative
847 within the third degree of consanguinity by blood or marriage. A
848 contract for services is voidable and terminates upon the
849 association filing a written notice terminating the contract if
850 the design professional or licensed contractor failed to provide

851 the written disclosure of the relationship required under this
852 subsection. A design professional or licensed contractor may be
853 subject to discipline under the applicable practice act for his
854 or her profession for failure to provide the written disclosure
855 of the relationship, as required under this subsection.

856 (13) (a) On or before December 31 2025, and on or before
857 each December 31 thereafter, the local enforcement agency
858 responsible for milestone inspections shall provide the
859 department, in an electronic format determined by the
860 department, information that must include, but is not limited
861 to:

862 1. The number of buildings required to have a milestone
863 inspection within the agency's jurisdiction.

864 2. The number of buildings for which a phase one milestone
865 inspection has been completed.

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

868 4. The number of buildings required to have a phase two
869 milestone inspection.

870 5. The number of buildings for which a phase two milestone
871 inspection has been completed.

872 6. The number, type, and value of permit applications
873 received to complete repairs required by a phase two milestone
874 inspection.

875 7. A list of buildings deemed to be unsafe or

876 uninhabitable as determined by a milestone inspection.

877 8. The license number of the building code administrator
878 responsible for milestone inspections for the local enforcement
879 agency.

880 (b) The department shall provide to the Office of Program
881 Policy Analysis and Government Accountability (OPPAGA) all
882 information obtained from the local enforcement agencies under
883 paragraph (a) by the date specified and in a manner prescribed
884 by OPPAGA. OPPAGA may request from a local enforcement agency
885 any additional information necessary to compile the information
886 and provide a report to the President of the Senate and the
887 Speaker of the House of Representatives.

888 Section 5. Present subsections (33) and (34) of section
889 718.103, Florida Statutes, are redesignated as subsections (34)
890 and (35), respectively, a new subsection (33) is added to that
891 section, and subsection (1) of that section is amended, to read:

892 718.103 Definitions.—As used in this chapter, the term:

893 (1) "Alternative funding method" means a method approved
894 by the division for funding the capital expenditures and
895 deferred maintenance obligations for a multicondominium
896 association ~~operating at least 25 condominiums~~ which may
897 reasonably be expected to fully satisfy the association's
898 reserve funding obligations by the allocation of funds in the
899 annual operating budget.

900 (33) "Video conference" means a real-time audio and video-

901 based meeting between two or more people in different locations
902 using video-enabled and audio-enabled devices. The notice for
903 any meeting that will be conducted by video conference must have
904 a hyperlink and call-in conference telephone number for unit
905 owners to attend the meeting and must have a physical location
906 where unit owners can also attend the meeting in person. All
907 meetings conducted by video conference must be recorded, and
908 such recording must be maintained as an official record of the
909 association.

910 Section 6. Subsections (4) and (10) of section 718.110,
911 Florida Statutes, are amended to read:

912 718.110 Amendment of declaration; correction of error or
913 omission in declaration by circuit court.—

914 (4)(a) Subject to paragraph (b), unless otherwise provided
915 in the declaration as originally recorded, an ~~no~~ amendment may
916 not change the configuration or size of any unit in any material
917 fashion, materially alter or modify the appurtenances to the
918 unit, or change the proportion or percentage by which the unit
919 owner shares the common expenses of the condominium and owns the
920 common surplus of the condominium unless the record owner of the
921 unit and all record owners of liens on the unit join in the
922 execution of the amendment and unless all the record owners of
923 all other units in the same condominium approve the amendment.
924 The acquisition of property by the association and material
925 alterations or substantial additions to such property or the

926 common elements by the association in accordance with s.
927 718.111(7) or s. 718.113, and amendments providing for the
928 transfer of use rights in limited common elements pursuant to s.
929 718.106(2) (b) may not be considered ~~shall not be deemed to~~
930 ~~constitute~~ a material alteration or modification of the
931 appurtenances to the units. Except as provided in paragraph (b),
932 a declaration recorded after April 1, 1992, may not require the
933 approval of less than a majority of total voting interests of
934 the condominium for amendments under this subsection, unless
935 otherwise required by a governmental entity.

936 (b) Notwithstanding subsection (14), the declaration of a
937 nonresidential condominium formed on or after July 1, 2025, may
938 be amended to change the configuration or size of a unit in any
939 material fashion, materially alter or modify the appurtenances
940 to the unit, or change the proportion or percentage by which the
941 unit owner shares the common expenses of the condominium and
942 owns the common surplus of the condominium, if the record owners
943 of all affected units and all record owners of liens on the
944 affected units join in the execution of the amendment. The
945 approval of the record owners of the nonaffected units in such
946 condominium is not required.

947 (10) If there is an omission or error in a declaration of
948 condominium, or any other document required to establish the
949 condominium, and the omission or error would affect the valid
950 existence of the condominium, the circuit court may entertain a

petition of one or more of the unit owners in the condominium, or of the association, to correct the error or omission, and the action may be a class action. The court may require that one or more methods of correcting the error or omission be submitted to the unit owners to determine the most acceptable correction. All unit owners, the association, and the mortgagees of a first mortgage of record must be joined as parties to the action. Service of process on unit owners may be by publication, but the plaintiff must furnish every unit owner not personally served with process with a copy of the petition and final decree of the court by certified mail, return receipt requested, at the unit owner's ~~last known residence~~ address as reflected in the association's official records. If an action to determine whether the declaration or another condominium document complies with the mandatory requirements for the formation of a condominium is not brought within 3 years of the recording of the certificate of a surveyor and mapper pursuant to s. 718.104(4)(e) or the recording of an instrument that transfers title to a unit in the condominium which is not accompanied by a recorded assignment of developer rights in favor of the grantee of such unit, whichever occurs first, the declaration and other documents will effectively create a condominium, as of the date the declaration was recorded, regardless of whether the documents substantially comply with the mandatory requirements of law. However, both before and after the expiration of this 3-

976 year period, the circuit court has jurisdiction to entertain a
977 petition permitted under this subsection for the correction of
978 the documentation, and other methods of amendment may be
979 utilized to correct the errors or omissions at any time.

980 Section 7. Paragraph (a) of subsection (11), paragraphs
981 (a), (c), and (g) of subsection (12), and subsection (13) of
982 section 718.111, Florida Statutes, are amended, paragraphs (g),
983 (h), and (i) are added to subsection (3) of that section, and
984 subsection (16) is added to that section, to read:

985 718.111 The association.—

986 (3) POWER TO MANAGE CONDOMINIUM PROPERTY AND TO CONTRACT,
987 SUE, AND BE SUED; CONFLICT OF INTEREST.—

988 (g) If an association contracts with a community
989 association manager or a community association management firm,
990 the community association manager or community association
991 management firm must possess all applicable licenses required by
992 part VIII of chapter 468. All board members or officers of an
993 association that contracts with a community association manager
994 or a community association management firm have a duty to ensure
995 that the community association manager or community association
996 management firm is properly licensed before entering into a
997 contract.

998 (h) If a contract is between a community association
999 manager and the association, and the community association
1000 manager has his or her license suspended or revoked during the

1001 term of a contract with the association, the association may
1002 terminate the contract upon delivery of a written notice to the
1003 community association manager whose license has been revoked or
1004 suspended, effective on the date the community association
1005 manager became unlicensed.

1006 (i) If a community association management firm has its
1007 license suspended or revoked during the term of a contract with
1008 the association, the association may terminate the contract upon
1009 delivery of a written notice to the community association
1010 management firm whose license has been revoked or suspended,
1011 effective on the date the community association management firm
1012 became unlicensed.

1013 (11) INSURANCE.—In order to protect the safety, health,
1014 and welfare of the people of this state ~~of the State of Florida~~
1015 and to ensure consistency in the provision of insurance coverage
1016 to condominiums and their unit owners, this subsection applies
1017 to every residential condominium in this ~~the~~ state, regardless
1018 of the date of its declaration of condominium. It is the intent
1019 of the Legislature to encourage lower or stable insurance
1020 premiums for associations described in this subsection.

1021 (a) Every condominium association shall have adequate
1022 property insurance as determined under this paragraph,
1023 regardless of any requirement in the declaration of condominium
1024 for certain coverage by the association ~~for full insurable~~
1025 ~~value, replacement cost, or similar coverage, must be based on~~

1026 ~~the replacement cost of the property to be insured as determined~~
1027 ~~by an independent insurance appraisal or update of a prior~~
1028 ~~appraisal. The replacement cost must be determined at least once~~
1029 ~~every 36 months.~~

1030 1. An association or group of associations may provide
1031 adequate property insurance as determined under this paragraph
1032 through a self-insurance fund that complies with the
1033 requirements of ss. 624.460-624.488.

1034 2. The amount of adequate insurance coverage for full
1035 insurable value, replacement cost, or similar coverage may be
1036 based on the replacement cost of the property to be insured, as
1037 determined by an independent insurance appraisal or an update of
1038 a previous appraisal. The replacement cost must be determined at
1039 least once every 3 years, at minimum.

1040 3. The association's obligation to obtain and ~~association~~
1041 ~~may also~~ provide adequate property insurance coverage for a
1042 group of at least three communities created and operating under
1043 this chapter, chapter 719, chapter 720, or chapter 721 may be
1044 satisfied by obtaining and maintaining for such communities
1045 insurance coverage sufficient to cover an amount equal to the
1046 probable maximum loss for the communities for a 250-year
1047 windstorm event.

1048 a. Such probable maximum loss must be determined through
1049 the use of a competent model that has been accepted by the
1050 Florida Commission on Hurricane Loss Projection Methodology.

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

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

(12) OFFICIAL RECORDS.—

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

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

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

3. A copy ~~photocopy~~ of the recorded bylaws of the

1076 association and each amendment to the bylaws.

1077 4. A certified copy of the articles of incorporation of
1078 the association, or other documents creating the association,
1079 and each amendment thereto.

1080 5. A copy of the current rules of the association.

1081 6. A book or books or electronic records that contain the
1082 minutes of all meetings of the association, the board of
1083 administration, any committee, and the unit owners, and a
1084 recording of all such meetings that are conducted by video
1085 conference. If there are approved minutes for a meeting held by
1086 video conference, recordings of meetings that are conducted by
1087 video conference must be maintained for at least 1 year after
1088 the date the video recording is posted as required under
1089 paragraph (g).

1090 7. A current roster of all unit owners and their mailing
1091 addresses, unit identifications, voting certifications, and, if
1092 known, telephone numbers. The association shall also maintain
1093 the e-mail addresses and facsimile numbers of unit owners
1094 consenting to receive notice by electronic transmission. In
1095 accordance with sub-subparagraph (c)5.e., the e-mail addresses
1096 and facsimile numbers are only accessible to unit owners if
1097 consent to receive notice by electronic transmission is
1098 provided, or if the unit owner has expressly indicated that such
1099 personal information can be shared with other unit owners and
1100 the unit owner has not provided the association with a request

1101 to opt out of such dissemination with other unit owners. An
1102 association must ensure that the e-mail addresses and facsimile
1103 numbers are only used for the business operation of the
1104 association and may not be sold or shared with outside third
1105 parties. If such personal information is included in documents
1106 that are released to third parties, other than unit owners, the
1107 association must redact such personal information before the
1108 document is disseminated. However, the association is not liable
1109 for an inadvertent disclosure of the e-mail address or facsimile
1110 number for receiving electronic transmission of notices unless
1111 such disclosure was made with a knowing or intentional disregard
1112 of the protected nature of such information.

1113 8. All current insurance policies of the association and
1114 condominiums operated by the association.

1115 9. A current copy of any management agreement, lease, or
1116 other contract to which the association is a party or under
1117 which the association or the unit owners have an obligation or
1118 responsibility.

1119 10. Bills of sale or transfer for all property owned by
1120 the association.

1121 11. Accounting records for the association and separate
1122 accounting records for each condominium that the association
1123 operates. Any person who knowingly or intentionally defaces or
1124 destroys such records, or who knowingly or intentionally fails
1125 to create or maintain such records, with the intent of causing

harm to the association or one or more of its members, is personally subject to a civil penalty pursuant to s. 718.501(1)(e). The accounting records must include, but are not limited to:

a. Accurate, itemized, and detailed records of all receipts and expenditures, including all bank statements and ledgers.

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

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

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

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

12. Ballots, sign-in sheets, voting proxies, and all other papers and electronic records relating to voting by unit owners,

1151 which must be maintained for 1 year from the date of the
1152 election, vote, or meeting to which the document relates,
1153 notwithstanding paragraph (b).

1154 13. All rental records if the association is acting as
1155 agent for the rental of condominium units.

1156 14. A copy of the current question and answer sheet as
1157 described in s. 718.504.

1158 15. A copy of the inspection reports described in ss.
1159 553.899 and 718.301(4)(p) and any other inspection report
1160 relating to a structural or life safety inspection of
1161 condominium property. Such record must be maintained by the
1162 association for 15 years after receipt of the report.

1163 16. Bids for materials, equipment, or services.

1164 17. All affirmative acknowledgments made pursuant to s.
1165 718.121(4)(c).

1166 18. A copy of all building permits.

1167 19. A copy of all satisfactorily completed board member
1168 educational certificates.

1169 20. A copy of all affidavits required by this chapter.

1170 ~~21.20.~~ All other written records of the association not
1171 specifically included in the foregoing which are related to the
1172 operation of the association.

1173 (c)1.a. The official records of the association are open
1174 to inspection by any association member and any person
1175 authorized by an association member as a representative of such

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

1201 device, the association may fulfill its obligations under this
1202 paragraph by directing to the website or the application all
1203 persons authorized to request access.

1204 b. In response to a written request to inspect records,
1205 the association must simultaneously provide to the requestor a
1206 checklist of all records made available for inspection and
1207 copying. The checklist must also identify any of the
1208 association's official records that were not made available to
1209 the requestor. An association must maintain a checklist provided
1210 under this sub-subparagraph for 7 years. An association
1211 delivering a checklist pursuant to this sub-subparagraph creates
1212 a rebuttable presumption that the association has complied with
1213 this paragraph.

1214 2. A director or member of the board or association or a
1215 community association manager who willfully and knowingly or
1216 intentionally ~~knowingly, willfully, and repeatedly~~ violates
1217 subparagraph 1. commits a misdemeanor of the second degree,
1218 punishable as provided in s. 775.082 or s. 775.083, and must be
1219 removed from office and a vacancy declared. ~~For purposes of this~~
1220 ~~subparagraph, the term "repeatedly" means two or more violations~~
1221 ~~within a 12-month period.~~

1222 3. ~~A~~ Any person who willfully and knowingly or
1223 intentionally defaces or destroys accounting records that are
1224 required by this chapter to be maintained during the period for
1225 which such records are required to be maintained, or who

1226 willfully and knowingly or intentionally fails to create or
1227 maintain accounting records that are required to be created or
1228 maintained, with the intent of causing harm to the association
1229 or one or more of its members, commits a misdemeanor of the
1230 first degree, punishable as provided in s. 775.082 or s.
1231 775.083; is personally subject to a civil penalty pursuant to s.
1232 718.501(1)(d); and must be removed from office and a vacancy
1233 declared.

1234 4. A person who willfully and knowingly or intentionally
1235 refuses to release or otherwise produce association records with
1236 the intent to avoid or escape detection, arrest, trial, or
1237 punishment for the commission of a crime, or to assist another
1238 person with such avoidance or escape, commits a felony of the
1239 third degree, punishable as provided in s. 775.082, s. 775.083,
1240 or s. 775.084, and must be removed from office and a vacancy
1241 declared.

1242 5. The association shall maintain an adequate number of
1243 copies of the declaration, articles of incorporation, bylaws,
1244 and rules, and all amendments to each of the foregoing, as well
1245 as the question and answer sheet as described in s. 718.504 and
1246 the most recent annual financial statement and annual budget
1247 ~~year-end financial information~~ required under this section, on
1248 the condominium property to ensure their availability to unit
1249 owners and prospective purchasers, and may charge its actual
1250 costs for preparing and furnishing these documents to those

1251 requesting the documents. An association shall allow a member or
1252 his or her authorized representative to use a portable device,
1253 including a smartphone, tablet, portable scanner, or any other
1254 technology capable of scanning or taking photographs, to make an
1255 electronic copy of the official records in lieu of the
1256 association's providing the member or his or her authorized
1257 representative with a copy of such records. The association may
1258 not charge a member or his or her authorized representative for
1259 the use of a portable device. Notwithstanding this paragraph,
1260 the following records are not accessible to unit owners:

1261 a. Any record protected by the lawyer-client privilege as
1262 described in s. 90.502 and any record protected by the work-
1263 product privilege, including a record prepared by an association
1264 attorney or prepared at the attorney's express direction, which
1265 reflects a mental impression, conclusion, litigation strategy,
1266 or legal theory of the attorney or the association, and which
1267 was prepared exclusively for civil or criminal litigation or for
1268 adversarial administrative proceedings, or which was prepared in
1269 anticipation of such litigation or proceedings until the
1270 conclusion of the litigation or proceedings.

1271 b. Information obtained by an association in connection
1272 with the approval of the lease, sale, or other transfer of a
1273 unit.

1274 c. Personnel records of association or management company
1275 employees, including, but not limited to, disciplinary, payroll,

1276 health, and insurance records. For purposes of this sub-
1277 subparagraph, the term "personnel records" does not include
1278 written employment agreements with an association employee or
1279 management company, or budgetary or financial records that
1280 indicate the compensation paid to an association employee.

1281 d. Medical records of unit owners.

1282 e. Social security numbers, driver license numbers, credit
1283 card numbers, e-mail addresses, telephone numbers, facsimile
1284 numbers, emergency contact information, addresses of a unit
1285 owner other than as provided to fulfill the association's notice
1286 requirements, and other personal identifying information of any
1287 person, excluding the person's name, unit designation, mailing
1288 address, property address, and any address, e-mail address, or
1289 facsimile number provided to the association to fulfill the
1290 association's notice requirements. Notwithstanding the
1291 restrictions in this sub-subparagraph, an association may print
1292 and distribute to unit owners a directory containing the name,
1293 unit address, and all telephone numbers of each unit owner.
1294 However, an owner may exclude his or her telephone numbers from
1295 the directory by so requesting in writing to the association. An
1296 owner may consent in writing to the disclosure of other contact
1297 information described in this sub-subparagraph. The association
1298 is not liable for the inadvertent disclosure of information that
1299 is protected under this sub-subparagraph if the information is
1300 included in an official record of the association and is

1301 voluntarily provided by an owner and not requested by the
1302 association.

1303 f. Electronic security measures that are used by the
1304 association to safeguard data, including passwords.

1305 g. The software and operating system used by the
1306 association which allow the manipulation of data, even if the
1307 owner owns a copy of the same software used by the association.
1308 The data is part of the official records of the association.

1309 h. All affirmative acknowledgments made pursuant to s.
1310 718.121(4) (c).

1311 (g)1. By January 1, 2019, an association managing a
1312 condominium with 150 or more units which does not contain
1313 timeshare units shall post digital copies of the documents
1314 specified in subparagraph 2. on its website or make such
1315 documents available through an application that can be
1316 downloaded on a mobile device. Unless a shorter period is
1317 otherwise required, a document must be made available on the
1318 association's website or made available for download through an
1319 application on a mobile device within 30 days after the
1320 association receives or creates an official record specified in
1321 subparagraph 2.

1322 a. The association's website or application must be:

1323 (I) An independent website, application, or web portal
1324 wholly owned and operated by the association; or

1325 (II) A website, application, or web portal operated by a

1326 third-party provider with whom the association owns, leases,
1327 rents, or otherwise obtains the right to operate a web page,
1328 subpage, web portal, collection of subpages or web portals, or
1329 an application which is dedicated to the association's
1330 activities and on which required notices, records, and documents
1331 may be posted or made available by the association.

1332 b. The association's website or application must be
1333 accessible through the Internet and must contain a subpage, web
1334 portal, or other protected electronic location that is
1335 inaccessible to the general public and accessible only to unit
1336 owners and employees of the association.

1337 c. Upon a unit owner's written request, the association
1338 must provide the unit owner with a username and password and
1339 access to the protected sections of the association's website or
1340 application which contain any notices, records, or documents
1341 that must be electronically provided.

1342 2. A current copy of the following documents must be
1343 posted in digital format on the association's website or
1344 application:

1345 a. The recorded declaration of condominium of each
1346 condominium operated by the association and each amendment to
1347 each declaration.

1348 b. The recorded bylaws of the association and each
1349 amendment to the bylaws.

1350 c. The articles of incorporation of the association, or

1351 other documents creating the association, and each amendment to
1352 the articles of incorporation or other documents. The copy
1353 posted pursuant to this sub-subparagraph must be a copy of the
1354 articles of incorporation filed with the Department of State.

1355 d. The rules of the association.

1356 e. The approved minutes of all board of administration
1357 meetings over the preceding 12 months.

1358 f. The video recording or a hyperlink to the video
1359 recording for all meetings of the association, the board of
1360 administration, any committee, and the unit owners which are
1361 conducted by video conference over the preceding 12 months.

1362 ~~g.e.~~ A list of all executory contracts or documents to
1363 which the association is a party or under which the association
1364 or the unit owners have an obligation or responsibility and,
1365 after bidding for the related materials, equipment, or services
1366 has closed, a list of bids received by the association within
1367 the past year. Summaries of bids for materials, equipment, or
1368 services which exceed \$500 must be maintained on the website or
1369 application for 1 year. In lieu of summaries, complete copies of
1370 the bids may be posted.

1371 ~~h.f.~~ The annual budget required by s. 718.112(2)(f) and
1372 any proposed budget to be considered at the annual meeting.

1373 ~~i.g.~~ The financial report required by subsection (13) and
1374 any monthly income or expense statement to be considered at a
1375 meeting.

1376 ~~j.h.~~ The certification of each director required by s.
1377 718.112(2)(d)4.b.

1378 ~~k.i.~~ All contracts or transactions between the association
1379 and any director, officer, corporation, firm, or association
1380 that is not an affiliated condominium association or any other
1381 entity in which an association director is also a director or
1382 officer and financially interested.

1383 ~~l.j.~~ Any contract or document regarding a conflict of
1384 interest or possible conflict of interest as provided in ss.
1385 468.4335, 468.436(2)(b)6., and 718.3027(3).

1386 ~~m.k.~~ The notice of any unit owner meeting and the agenda
1387 for the meeting, as required by s. 718.112(2)(d)3., no later
1388 than 14 days before the meeting. The notice must be posted in
1389 plain view on the front page of the website or application, or
1390 on a separate subpage of the website or application labeled
1391 "Notices" which is conspicuously visible and linked from the
1392 front page. The association must also post on its website or
1393 application any document to be considered and voted on by the
1394 owners during the meeting or any document listed on the agenda
1395 at least 7 days before the meeting at which the document or the
1396 information within the document will be considered.

1397 ~~n.l.~~ Notice of any board meeting, the agenda, and any
1398 other document required for the meeting as required by s.
1399 718.112(2)(c), which must be posted no later than the date
1400 required for notice under s. 718.112(2)(c).

1401 ~~o.m.~~ The inspection reports described in ss. 553.899 and
1402 718.301(4) (p) and any other inspection report relating to a
1403 structural or life safety inspection of condominium property.

1404 ~~p.n.~~ The association's most recent structural integrity
1405 reserve study, if applicable.

1406 ~~q.e.~~ Copies of all building permits issued for ongoing or
1407 planned construction.

1408 r. A copy of all affidavits required by this chapter.

1409 3. The association shall ensure that the information and
1410 records described in paragraph (c), which are not allowed to be
1411 accessible to unit owners, are not posted on the association's
1412 website or application. If protected information or information
1413 restricted from being accessible to unit owners is included in
1414 documents that are required to be posted on the association's
1415 website or application, the association shall ensure the
1416 information is redacted before posting the documents.
1417 Notwithstanding the foregoing, the association or its agent is
1418 not liable for disclosing information that is protected or
1419 restricted under this paragraph unless such disclosure was made
1420 with a knowing or intentional disregard of the protected or
1421 restricted nature of such information.

1422 4. The failure of the association to post information
1423 required under subparagraph 2. is not in and of itself
1424 sufficient to invalidate any action or decision of the
1425 association's board or its committees.

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

1451 amount of reserve funds that would be necessary for the
1452 association to fully fund reserves for each reserve item based
1453 on the straight-line accounting method. This disclosure is not
1454 applicable to reserves funded via the pooling method. In
1455 adopting such rules, the division shall consider the number of
1456 members and annual revenues of an association. Financial reports
1457 shall be prepared as follows:

1458 (a) An association that meets the criteria of this
1459 paragraph shall prepare a complete set of financial statements
1460 in accordance with generally accepted accounting principles. The
1461 financial statements must be based upon the association's total
1462 annual revenues, as follows:

1463 1. An association with total annual revenues of \$150,000
1464 or more, but less than \$300,000, shall prepare compiled
1465 financial statements.

1466 2. An association with total annual revenues of at least
1467 \$300,000, but less than \$500,000, shall prepare reviewed
1468 financial statements.

1469 3. An association with total annual revenues of \$500,000
1470 or more shall prepare audited financial statements.

1471 (b)1. An association with total annual revenues of less
1472 than \$150,000 shall prepare a report of cash receipts and
1473 expenditures.

1474 2. A report of cash receipts and disbursements must
1475 disclose the amount of receipts by accounts and receipt

1476 classifications and the amount of expenses by accounts and
1477 expense classifications, including, but not limited to, the
1478 following, as applicable: costs for security, professional and
1479 management fees and expenses, taxes, costs for recreation
1480 facilities, expenses for refuse collection and utility services,
1481 expenses for lawn care, costs for building maintenance and
1482 repair, insurance costs, administration and salary expenses, and
1483 reserves accumulated and expended for capital expenditures,
1484 deferred maintenance, and any other category for which the
1485 association maintains reserves.

1486 (c) An association may prepare, without a meeting of or
1487 approval by the unit owners:

1488 1. Compiled, reviewed, or audited financial statements, if
1489 the association is required to prepare a report of cash receipts
1490 and expenditures;

1491 2. Reviewed or audited financial statements, if the
1492 association is required to prepare compiled financial
1493 statements; or

1494 3. Audited financial statements if the association is
1495 required to prepare reviewed financial statements.

1496 (d) If approved by a majority vote of all the voting
1497 interests ~~present at a properly called meeting~~ of the
1498 association, an association may prepare:

1499 1. A report of cash receipts and expenditures in lieu of a
1500 compiled, reviewed, or audited financial statement;

1501 2. A report of cash receipts and expenditures or a
1502 compiled financial statement in lieu of a reviewed or audited
1503 financial statement; or

1504 3. A report of cash receipts and expenditures, a compiled
1505 financial statement, or a reviewed financial statement in lieu
1506 of an audited financial statement.

1507
1508 Such meeting and approval must occur before the end of the
1509 fiscal year and is effective only for the fiscal year in which
1510 the vote is taken. An association may not prepare a financial
1511 report pursuant to this paragraph for consecutive fiscal years.
1512 If the developer has not turned over control of the association,
1513 all unit owners, including the developer, may vote on issues
1514 related to the preparation of the association's financial
1515 reports, from the date of incorporation of the association
1516 through the end of the second fiscal year after the fiscal year
1517 in which the certificate of a surveyor and mapper is recorded
1518 pursuant to s. 718.104(4)(e) or an instrument that transfers
1519 title to a unit in the condominium which is not accompanied by a
1520 recorded assignment of developer rights in favor of the grantee
1521 of such unit is recorded, whichever occurs first. Thereafter,
1522 all unit owners except the developer may vote on such issues
1523 until control is turned over to the association by the
1524 developer. Any audit or review prepared under this section shall
1525 be paid for by the developer if done before turnover of control

1526 of the association.

1527 (e) A unit owner may provide written notice to the
1528 division of the association's failure to mail or hand deliver
1529 him or her a copy of the most recent financial report within 5
1530 business days after he or she submitted a written request to the
1531 association for a copy of such report. If the division
1532 determines that the association failed to mail or hand deliver a
1533 copy of the most recent financial report to the unit owner, the
1534 division shall provide written notice to the association that
1535 the association must mail or hand deliver a copy of the most
1536 recent financial report to the unit owner and the division
1537 within 5 business days after it receives such notice from the
1538 division. An association that fails to comply with the
1539 division's request may not waive the financial reporting
1540 requirement provided in paragraph (d) for the fiscal year in
1541 which the unit owner's request was made and the following fiscal
1542 year. A financial report received by the division pursuant to
1543 this paragraph shall be maintained, and the division shall
1544 provide a copy of such report to an association member upon his
1545 or her request.

1546 (16) INVESTMENT OF ASSOCIATION FUNDS.—

1547 (a) A board shall, in fulfilling its duty to manage
1548 operating and reserve funds of its association, use best efforts
1549 to make prudent investment decisions that carefully consider
1550 risk and return in an effort to maximize returns on invested

1551 funds.

1552 (b) An association, including a multicondominium
1553 association, may invest reserve funds in one or any combination
1554 of certificates of deposit or in depository accounts at a
1555 community bank, savings bank, commercial bank, savings and loan
1556 association, or credit union without a vote of the unit owners.

1557 Section 8. Paragraphs (b) through (g) of subsection (2) of
1558 section 718.112, Florida Statutes, are amended to read:

1559 718.112 Bylaws.—

1560 (2) REQUIRED PROVISIONS.—The bylaws shall provide for the
1561 following and, if they do not do so, shall be deemed to include
1562 the following:

1563 (b) *Quorum; voting requirements; proxies.*—

1564 1. Unless a lower number is provided in the bylaws, the
1565 percentage of voting interests required to constitute a quorum
1566 at a meeting of the members is a majority of the voting
1567 interests. Unless otherwise provided in this chapter or in the
1568 declaration, articles of incorporation, or bylaws, and except as
1569 provided in subparagraph (d)4., decisions shall be made by a
1570 majority of the voting interests represented at a meeting at
1571 which a quorum is present.

1572 2. Except as specifically otherwise provided herein, unit
1573 owners in a residential condominium may not vote by general
1574 proxy, but may vote by limited proxies substantially conforming
1575 to a limited proxy form adopted by the division. A voting

1576 interest or consent right allocated to a unit owned by the
1577 association may not be exercised or considered for any purpose,
1578 whether for a quorum, an election, or otherwise. Limited proxies
1579 and general proxies may be used to establish a quorum. Limited
1580 proxies shall be used for votes taken to waive or reduce
1581 reserves in accordance with subparagraph (f)2.; for votes taken
1582 to waive the financial reporting requirements of s. 718.111(13);
1583 for votes taken to amend the declaration pursuant to s. 718.110;
1584 for votes taken to amend the articles of incorporation or bylaws
1585 pursuant to this section; and for any other matter for which
1586 this chapter requires or permits a vote of the unit owners.
1587 Except as provided in paragraph (d), a proxy, limited or
1588 general, may not be used in the election of board members in a
1589 residential condominium. General proxies may be used for other
1590 matters for which limited proxies are not required, and may be
1591 used in voting for nonsubstantive changes to items for which a
1592 limited proxy is required and given. Notwithstanding this
1593 subparagraph, unit owners may vote in person at unit owner
1594 meetings. This subparagraph does not limit the use of general
1595 proxies or require the use of limited proxies for any agenda
1596 item or election at any meeting of a timeshare condominium
1597 association or a nonresidential condominium association.

1598 3. A proxy given is effective only for the specific
1599 meeting for which originally given and any lawfully adjourned
1600 meetings thereof. A proxy is not valid longer than 90 days after

1601 the date of the first meeting for which it was given. Each proxy
1602 is revocable at any time at the pleasure of the unit owner
1603 executing it.

1604 4. A member of the board of administration or a committee
1605 may submit in writing his or her agreement or disagreement with
1606 any action taken at a meeting that the member did not attend.
1607 This agreement or disagreement may not be used as a vote for or
1608 against the action taken or to create a quorum.

1609 5. A board meeting may be conducted in person or by video
1610 conference. A board or committee member's participation in a
1611 meeting via telephone, real-time videoconferencing, or similar
1612 real-time electronic or video communication counts toward a
1613 quorum, and such member may vote as if physically present. A
1614 speaker must be used so that the conversation of such members
1615 may be heard by the board or committee members attending in
1616 person as well as by any unit owners present at a meeting. The
1617 division shall adopt rules pursuant to ss. 120.536 and 120.54
1618 governing the requirements for meetings.

1619 (c) *Board of administration meetings.*—In a residential
1620 condominium association of more than 10 units, the board of
1621 administration shall meet at least once each quarter. At least
1622 four times each year, the meeting agenda must include an
1623 opportunity for members to ask questions of the board. Meetings
1624 of the board of administration at which a quorum of the members
1625 is present are open to all unit owners. Members of the board of

administration may use e-mail as a means of communication but may not cast a vote on an association matter via e-mail. A unit owner may tape record or videotape the meetings. The right to attend such meetings includes the right to speak at such meetings with reference to all designated agenda items and the right to ask questions relating to reports on the status of construction or repair projects, the status of revenues and expenditures during the current fiscal year, and other issues affecting the condominium. The division shall adopt reasonable rules governing the tape recording and videotaping of the meeting. The association may adopt written reasonable rules governing the frequency, duration, and manner of unit owner statements.

1. Adequate notice of all board meetings, which must specifically identify all agenda items, must be posted conspicuously on the condominium property at least 48 continuous hours before the meeting except in an emergency. If the board meeting is to be conducted via video conference, the notice must state that such meeting will be via video conference and must include a hyperlink and a conference telephone number for unit owners to attend the meeting via video conference, as well as the address of the physical location where the unit owners can attend the meeting in person. If the meeting is conducted via video conference, it must be recorded and such recording must be maintained as an official record of the association. If 20

1651 percent of the voting interests petition the board to address an
1652 item of business, the board, within 60 days after receipt of the
1653 petition, shall place the item on the agenda at its next regular
1654 board meeting or at a special meeting called for that purpose.

1655 An item not included on the notice may be taken up on an
1656 emergency basis by a vote of at least a majority plus one of the
1657 board members. Such emergency action must be noticed and
1658 ratified at the next regular board meeting. Written notice of a
1659 meeting at which a nonemergency special assessment or an
1660 amendment to rules regarding unit use will be considered must be
1661 mailed, delivered, or electronically transmitted to the unit
1662 owners and posted conspicuously on the condominium property at
1663 least 14 days before the meeting. Evidence of compliance with
1664 this 14-day notice requirement must be made by an affidavit
1665 executed by the person providing the notice and filed with the
1666 official records of the association.

1667 2. Upon notice to the unit owners, the board shall, by
1668 duly adopted rule, designate a specific location on the
1669 condominium property at which all notices of board meetings must
1670 be posted. If there is no condominium property at which notices
1671 can be posted, notices shall be mailed, delivered, or
1672 electronically transmitted to each unit owner at least 14 days
1673 before the meeting. In lieu of or in addition to the physical
1674 posting of the notice on the condominium property, the
1675 association may, by reasonable rule, adopt a procedure for

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

3. Notice of any meeting in which regular or special assessments against unit owners are to be considered must

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

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

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

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

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

(d) *Unit owner meetings.*—

1726 1. An annual meeting of the unit owners must be held at
1727 the location provided in the association bylaws and, if the
1728 bylaws are silent as to the location, the meeting must be held
1729 within 15 ~~45~~ miles of the condominium property or within the
1730 same county as the condominium property. However, such distance
1731 requirement does not apply to an association governing a
1732 timeshare condominium. If a unit owner meeting is conducted via
1733 video conference, a unit owner may vote electronically in the
1734 manner provided in s. 718.128.

1735 2. Unit owner meetings, including the annual meeting of
1736 the unit owners, may be conducted in person or via video
1737 conference. If the annual meeting of the unit owners is
1738 conducted via video conference, a quorum of the members of the
1739 board of administration must be physically present at the
1740 physical location where unit owners can attend the meeting. The
1741 location must be provided in the association bylaws and, if the
1742 bylaws are silent as to the location, the meeting must be held
1743 within 15 miles of the condominium property or within the same
1744 county as the condominium property. If the unit owner meeting is
1745 conducted via video conference, the video conference must be
1746 recorded and such recording must be maintained as an official
1747 record of the association. The division shall adopt rules
1748 pursuant to ss. 120.536 and 120.54 governing the requirements
1749 for meetings.

1750 ~~3.2.~~ Unless the bylaws provide otherwise, a vacancy on the

1751 board caused by the expiration of a director's term must be
1752 filled by electing a new board member, and the election must be
1753 by secret ballot. An election is not required if the number of
1754 vacancies equals or exceeds the number of candidates. For
1755 purposes of this paragraph, the term "candidate" means an
1756 eligible person who has timely submitted the written notice, as
1757 described in sub-subparagraph 4.a., of his or her intention to
1758 become a candidate. Except in a timeshare or nonresidential
1759 condominium, or if the staggered term of a board member does not
1760 expire until a later annual meeting, or if all members' terms
1761 would otherwise expire but there are no candidates, the terms of
1762 all board members expire at the annual meeting, and such members
1763 may stand for reelection unless prohibited by the bylaws. Board
1764 members may serve terms longer than 1 year if permitted by the
1765 bylaws or articles of incorporation. A board member may not
1766 serve more than 8 consecutive years unless approved by an
1767 affirmative vote of unit owners representing two-thirds of all
1768 votes cast in the election or unless there are not enough
1769 eligible candidates to fill the vacancies on the board at the
1770 time of the vacancy. Only board service that occurs on or after
1771 July 1, 2018, may be used when calculating a board member's term
1772 limit. If the number of board members whose terms expire at the
1773 annual meeting equals or exceeds the number of candidates, the
1774 candidates become members of the board effective upon the
1775 adjournment of the annual meeting. Unless the bylaws provide

1776 otherwise, any remaining vacancies shall be filled by the
1777 affirmative vote of the majority of the directors making up the
1778 newly constituted board even if the directors constitute less
1779 than a quorum or there is only one director. In a residential
1780 condominium association of more than 10 units or in a
1781 residential condominium association that does not include
1782 timeshare units or timeshare interests, co-owners of a unit may
1783 not serve as members of the board of directors at the same time
1784 unless they own more than one unit or unless there are not
1785 enough eligible candidates to fill the vacancies on the board at
1786 the time of the vacancy. A unit owner in a residential
1787 condominium desiring to be a candidate for board membership must
1788 comply with sub-subparagraph 4.a. and must be eligible to be a
1789 candidate to serve on the board of directors at the time of the
1790 deadline for submitting a notice of intent to run in order to
1791 have his or her name listed as a proper candidate on the ballot
1792 or to serve on the board. A person who has been suspended or
1793 removed by the division under this chapter, or who is delinquent
1794 in the payment of any assessment due to the association, is not
1795 eligible to be a candidate for board membership and may not be
1796 listed on the ballot. For purposes of this paragraph, a person
1797 is delinquent if a payment is not made by the due date as
1798 specifically identified in the declaration of condominium,
1799 bylaws, or articles of incorporation. If a due date is not
1800 specifically identified in the declaration of condominium,

1801 bylaws, or articles of incorporation, the due date is the first
1802 day of the assessment period. A person who has been convicted of
1803 any felony in this state or in a United States District or
1804 Territorial Court, or who has been convicted of any offense in
1805 another jurisdiction which would be considered a felony if
1806 committed in this state, is not eligible for board membership
1807 unless such felon's civil rights have been restored for at least
1808 5 years as of the date such person seeks election to the board.
1809 The validity of an action by the board is not affected if it is
1810 later determined that a board member is ineligible for board
1811 membership due to having been convicted of a felony. This
1812 subparagraph does not limit the term of a member of the board of
1813 a nonresidential or timeshare condominium.

1814 ~~4.3.~~ The bylaws must provide the method of calling
1815 meetings of unit owners, including annual meetings. Written
1816 notice of an annual meeting must include an agenda; be mailed,
1817 hand delivered, or electronically transmitted to each unit owner
1818 at least 14 days before the annual meeting; and be posted in a
1819 conspicuous place on the condominium property or association
1820 property at least 14 continuous days before the annual meeting.
1821 Written notice of a meeting other than an annual meeting must
1822 include an agenda; be mailed, hand delivered, or electronically
1823 transmitted to each unit owner; and be posted in a conspicuous
1824 place on the condominium property or association property within
1825 the timeframe specified in the bylaws. If the bylaws do not

1826 specify a timeframe for written notice of a meeting other than
1827 an annual meeting, notice must be provided at least 14
1828 continuous days before the meeting. Upon notice to the unit
1829 owners, the board shall, by duly adopted rule, designate a
1830 specific location on the condominium property or association
1831 property at which all notices of unit owner meetings must be
1832 posted. This requirement does not apply if there is no
1833 condominium property for posting notices. ~~In lieu of, or in~~ In
1834 addition to, the physical posting of meeting notices, the
1835 association may, by reasonable rule, adopt a procedure for
1836 conspicuously posting and repeatedly broadcasting the notice and
1837 the agenda on a closed-circuit cable television system serving
1838 the condominium association. ~~However, if broadcast notice is~~
1839 ~~used in lieu of a notice posted physically on the condominium~~
1840 ~~property, the notice and agenda must be broadcast at least four~~
1841 ~~times every broadcast hour of each day that a posted notice is~~
1842 ~~otherwise required under this section.~~ If broadcast notice is
1843 provided, the notice and agenda must be broadcast in a manner
1844 and for a sufficient continuous length of time so as to allow an
1845 average reader to observe the notice and read and comprehend the
1846 entire content of the notice and the agenda. In addition to any
1847 of the authorized means of providing notice of a meeting of the
1848 board, the association may, by rule, adopt a procedure for
1849 conspicuously posting the meeting notice and the agenda on a
1850 website serving the condominium association for at least the

1851 minimum period of time for which a notice of a meeting is also
1852 required to be physically posted on the condominium property.
1853 Any rule adopted shall, in addition to other matters, include a
1854 requirement that the association send an electronic notice in
1855 the same manner as a notice for a meeting of the members, which
1856 must include a hyperlink to the website at which the notice is
1857 posted, to unit owners whose e-mail addresses are included in
1858 the association's official records. Unless a unit owner waives
1859 in writing the right to receive notice of the annual meeting,
1860 such notice must be hand delivered, mailed, or electronically
1861 transmitted to each unit owner. Notice for meetings and notice
1862 for all other purposes must be mailed to each unit owner at the
1863 address last furnished to the association by the unit owner, or
1864 hand delivered to each unit owner. However, if a unit is owned
1865 by more than one person, the association must provide notice to
1866 the address that the developer identifies for that purpose and
1867 thereafter as one or more of the owners of the unit advise the
1868 association in writing, or if no address is given or the owners
1869 of the unit do not agree, to the address provided on the deed of
1870 record. An officer of the association, or the manager or other
1871 person providing notice of the association meeting, must provide
1872 an affidavit or United States Postal Service certificate of
1873 mailing, to be included in the official records of the
1874 association affirming that the notice was mailed or hand
1875 delivered in accordance with this provision.

1876 ~~5.4.~~ The members of the board of a residential condominium
1877 shall be elected by written ballot or voting machine. Proxies
1878 may not be used in electing the board in general elections or
1879 elections to fill vacancies caused by recall, resignation, or
1880 otherwise, unless otherwise provided in this chapter. This
1881 subparagraph does not apply to an association governing a
1882 timeshare condominium.

1883 a. At least 60 days before a scheduled election, the
1884 association shall mail, deliver, or electronically transmit, by
1885 separate association mailing or included in another association
1886 mailing, delivery, or transmission, including regularly
1887 published newsletters, to each unit owner entitled to a vote, a
1888 first notice of the date of the election. A unit owner or other
1889 eligible person desiring to be a candidate for the board must
1890 give written notice of his or her intent to be a candidate to
1891 the association at least 40 days before a scheduled election.
1892 Together with the written notice and agenda as set forth in
1893 subparagraph 3., the association shall mail, deliver, or
1894 electronically transmit a second notice of the election to all
1895 unit owners entitled to vote, together with a ballot that lists
1896 all candidates not less than 14 days or more than 34 days before
1897 the date of the election. Upon request of a candidate, an
1898 information sheet, no larger than 8 1/2 inches by 11 inches,
1899 which must be furnished by the candidate at least 35 days before
1900 the election, must be included with the mailing, delivery, or

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

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

(I) Certify in writing to the secretary of the association

1926 that he or she has read the association's declaration of
1927 condominium, articles of incorporation, bylaws, and current
1928 written policies; that he or she will work to uphold such
1929 documents and policies to the best of his or her ability; and
1930 that he or she will faithfully discharge his or her fiduciary
1931 responsibility to the association's members.

1932 (II) Submit to the secretary of the association a
1933 certificate of having satisfactorily completed the educational
1934 curriculum administered by the division or a division-approved
1935 condominium education provider. The educational curriculum must
1936 be at least 4 hours long and include instruction on milestone
1937 inspections, structural integrity reserve studies, elections,
1938 recordkeeping, financial literacy and transparency, levying of
1939 fines, and notice and meeting requirements.

1940
1941 Each newly elected or appointed director must submit to the
1942 secretary of the association the written certification and
1943 educational certificate within 1 year before being elected or
1944 appointed or 90 days after the date of election or appointment.
1945 A director of an association of a residential condominium who
1946 was elected or appointed before July 1, 2024, must comply with
1947 the written certification and educational certificate
1948 requirements in this sub-subparagraph by June 30, 2025. The
1949 written certification and educational certificate is valid for 7
1950 years after the date of issuance and does not have to be

1951 resubmitted as long as the director serves on the board without
1952 interruption during the 7-year period. A director who is
1953 appointed by the developer may satisfy the educational
1954 certificate requirement in sub-sub-subparagraph (II) for any
1955 subsequent appointment to a board by a developer within 7 years
1956 after the date of issuance of the most recent educational
1957 certificate, including any interruption of service on a board or
1958 appointment to a board in another association within that 7-year
1959 period. One year after submission of the most recent written
1960 certification and educational certificate, and annually
1961 thereafter, a director of an association of a residential
1962 condominium must submit to the secretary of the association a
1963 certificate of having satisfactorily completed at least 1 hour
1964 of continuing education administered by the division, or a
1965 division-approved condominium education provider, relating to
1966 any recent changes to this chapter and the related
1967 administrative rules during the past year. A director of an
1968 association of a residential condominium who fails to timely
1969 file the written certification and educational certificate is
1970 suspended from service on the board until he or she complies
1971 with this sub-subparagraph. The board may temporarily fill the
1972 vacancy during the period of suspension. The secretary shall
1973 cause the association to retain a director's written
1974 certification and educational certificate for inspection by the
1975 members for 7 years after a director's election or the duration

of the director's uninterrupted tenure, whichever is longer.
Failure to have such written certification and educational
certificate on file does not affect the validity of any board
action.

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

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

~~7.6-~~ Unit owners may waive notice of specific meetings if
allowed by the applicable bylaws or declaration or any law.
Notice of meetings of the board of administration; unit owner
meetings, except unit owner meetings called to recall board
members under paragraph (1); and committee meetings may be given
by electronic transmission to unit owners who consent to receive
notice by electronic transmission. A unit owner who consents to
receiving notices by electronic transmission is solely

2001 responsible for removing or bypassing filters that block receipt
2002 of mass e-mails sent to members on behalf of the association in
2003 the course of giving electronic notices.

2004 8.7. Unit owners have the right to participate in meetings
2005 of unit owners with reference to all designated agenda items.
2006 However, the association may adopt reasonable rules governing
2007 the frequency, duration, and manner of unit owner participation.

2008 9.8. A unit owner may tape record or videotape a meeting
2009 of the unit owners subject to reasonable rules adopted by the
2010 division.

2011 10.9. Unless otherwise provided in the bylaws, any vacancy
2012 occurring on the board before the expiration of a term may be
2013 filled by the affirmative vote of the majority of the remaining
2014 directors, even if the remaining directors constitute less than
2015 a quorum, or by the sole remaining director. In the alternative,
2016 a board may hold an election to fill the vacancy, in which case
2017 the election procedures must conform to sub-subparagraph 4.a.
2018 unless the association governs 10 units or fewer and has opted
2019 out of the statutory election process, in which case the bylaws
2020 of the association control. Unless otherwise provided in the
2021 bylaws, a board member appointed or elected under this section
2022 shall fill the vacancy for the unexpired term of the seat being
2023 filled. Filling vacancies created by recall is governed by
2024 paragraph (1) and rules adopted by the division.

2025 11.10. This chapter does not limit the use of general or

2026 limited proxies, require the use of general or limited proxies,
2027 or require the use of a written ballot or voting machine for any
2028 agenda item or election at any meeting of a timeshare
2029 condominium association or nonresidential condominium
2030 association.

2031
2032 Notwithstanding subparagraph (b)2. and sub-subparagraph 4.a., an
2033 association of 10 or fewer units may, by affirmative vote of a
2034 majority of the total voting interests, provide for different
2035 voting and election procedures in its bylaws, which may be by a
2036 proxy specifically delineating the different voting and election
2037 procedures. The different voting and election procedures may
2038 provide for elections to be conducted by limited or general
2039 proxy.

2040 (e) *Budget meeting.*—

2041 1. Any meeting at which a proposed annual budget of an
2042 association will be considered by the board or unit owners shall
2043 be open to all unit owners. A meeting of the board or unit
2044 owners at which a proposed annual association budget will be
2045 considered may be conducted by video conference. The division
2046 shall adopt rules pursuant to ss. 120.536 and 120.54 governing
2047 the requirements for such meetings. A sound transmitting device
2048 must be used so that the conversation of such members may be
2049 heard by the board or committee members attending in person, as
2050 well as any unit owners present at the meeting. At least 14 days

2051 before ~~prior to~~ such a meeting, the board shall hand deliver to
2052 each unit owner, mail to each unit owner at the address last
2053 furnished to the association by the unit owner, or
2054 electronically transmit to the location furnished by the unit
2055 owner for that purpose a notice of such meeting and a copy of
2056 the proposed annual budget. An officer or manager of the
2057 association, or other person providing notice of such meeting,
2058 shall execute an affidavit evidencing compliance with such
2059 notice requirement, and such affidavit shall be filed among the
2060 official records of the association.

2061 2.a. If a board proposes ~~adopts~~ in any fiscal year an
2062 annual budget which requires assessments against unit owners
2063 which exceed 115 percent of assessments for the preceding fiscal
2064 year, the board shall simultaneously propose a substitute budget
2065 that does not include any discretionary expenditures that are
2066 not required to be in the budget. The substitute budget must be
2067 proposed at the budget meeting before the ~~conduct a special~~
2068 ~~meeting of the unit owners to consider a substitute budget if~~
2069 ~~the board receives, within 21 days after adoption of the annual~~
2070 ~~budget, a written request for a special meeting from at least 10~~
2071 ~~percent of all voting interests. The special meeting shall be~~
2072 ~~conducted within 60 days after adoption of the annual budget. At~~
2073 ~~least 14 days~~ before such budget meeting in which a substitute
2074 budget will be proposed ~~prior to such special meeting~~, the board
2075 shall hand deliver to each unit owner, or mail to each unit

owner at the address last furnished to the association, a notice of the meeting. An officer or manager of the association, or other person providing notice of such meeting shall execute an affidavit evidencing compliance with this notice requirement, and such affidavit shall be filed among the official records of the association. Unit owners must ~~may~~ consider and may adopt a substitute budget at the ~~special~~ meeting. A substitute budget is adopted if approved by a majority of all voting interests unless the bylaws require adoption by a greater percentage of voting interests. If ~~there is not a quorum at the special meeting or a~~ substitute budget is not adopted, the annual budget previously initially proposed ~~adopted~~ by the board may be adopted ~~shall take effect as scheduled~~.

b. Any determination of whether assessments exceed 115 percent of assessments for the prior fiscal year shall exclude any authorized provision for required ~~reasonable~~ reserves for repair or replacement of the condominium property, anticipated expenses of the association which the board does not expect to be incurred on a regular or annual basis for the repair, maintenance, or replacement of the items listed in paragraph (g), and insurance premiums, ~~or assessments for betterments to the condominium property.~~

c. If the developer controls the board, assessments may ~~shall~~ not exceed 115 percent of assessments for the prior fiscal year unless approved by a majority of all voting interests.

(f) *Annual budget.*—

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

2.a. In addition to annual operating expenses, the budget must include reserve accounts for capital expenditures and deferred maintenance. These accounts must include, but are not limited to, roof replacement, building painting, and pavement

2126 resurfacing, regardless of the amount of deferred maintenance
2127 expense or replacement cost, and any other item that has a
2128 deferred maintenance expense or replacement cost that exceeds
2129 \$25,000 or the inflation-adjusted amount determined by the
2130 division under subparagraph 6., whichever is greater \$10,000.
2131 The amount to be reserved must be computed using a formula based
2132 upon estimated remaining useful life and estimated replacement
2133 cost or deferred maintenance expense of the reserve item. In a
2134 budget adopted by an association that is required to obtain a
2135 structural integrity reserve study, reserves must be maintained
2136 for the items identified in paragraph (g) for which the
2137 association is responsible pursuant to the declaration of
2138 condominium, and the reserve amount for such items must be based
2139 on the findings and recommendations of the association's most
2140 recent structural integrity reserve study. If an association
2141 votes to terminate the condominium in accordance with s.
2142 718.117, the members may vote to waive the maintenance of
2143 reserves recommended by the association's most recent structural
2144 integrity reserve study. With respect to items for which an
2145 estimate of useful life is not readily ascertainable or with an
2146 estimated remaining useful life of greater than 25 years, an
2147 association is not required to reserve replacement costs for
2148 such items, but an association must reserve the amount of
2149 deferred maintenance expense, if any, which is recommended by
2150 the structural integrity reserve study for such items. The

2151 association may adjust replacement reserve assessments annually
2152 to take into account an inflation adjustment and any changes in
2153 estimates or extension of the useful life of a reserve item
2154 caused by deferred maintenance.

2155 b. The members of a unit-owner-controlled association may
2156 determine, by a majority vote of the total voting interests of
2157 the association, to provide no reserves or less reserves than
2158 required by this subsection. For a budget adopted on or after
2159 December 31, 2024, the members of a unit-owner-controlled
2160 association that must obtain a structural integrity reserve
2161 study may not determine to provide no reserves or less reserves
2162 than required by this subsection for items listed in paragraph
2163 (g), except that members of an association operating a
2164 multicondominium may determine to provide no reserves or less
2165 reserves than required by this subsection if an alternative
2166 funding method has been approved by the division.

2167 c.(I) Reserves for the items listed in paragraph (g) may
2168 be funded by regular assessments, special assessments, lines of
2169 credit, or loans. A special assessment, a line of credit, or a
2170 loan under this sub-subparagraph requires the approval of a
2171 majority vote of the total voting interests of the association.

2172 (II) A unit-owner-controlled association that must have a
2173 structural integrity reserve study may secure a line of credit
2174 or a loan to fund capital expenses required by a milestone
2175 inspection under s. 553.899 or a structural integrity reserve

study. The line of credit or loan must be sufficient to fund the cumulative amount of any previously waived or unfunded portions of the reserve funding amount required by this paragraph and the most recent structural integrity reserve study. Funding from the line of credit or loan must be immediately available for access by the board to fund required repair, maintenance, or replacement expenses without further approval by the members of the association. A special assessment, a line of credit, or a loan secured under this sub-subparagraph and related details must be included in the annual financial statement that is required under s. 718.111(13) to be delivered to unit owners and required under s. 718.503 to be provided to prospective purchasers of a unit.

(III) This sub-subparagraph does not apply to associations controlled by a developer as defined in s. 718.103, an association in which the nondeveloper unit owners have been in control for less than 1 year, or an association controlled by one or more bulk assignees or bulk buyers as those terms are defined in s. 718.703.

d. If the local building official, as defined in s. 468.603, determines that the entire condominium building is uninhabitable due to a natural emergency, as defined in s. 252.34, the board, ~~upon the approval of a majority of its members,~~ may pause the contribution to its reserves or reduce reserve funding until the local building official determines

2201 that the condominium building is habitable. Any reserve account
2202 funds held by the association may be expended, pursuant to the
2203 board's determination, to make the condominium building and its
2204 structures habitable. Upon the determination by the local
2205 building official that the condominium building is habitable,
2206 the association must immediately resume contributing funds to
2207 its reserves.

2208 e. For a budget adopted on or before December 31, 2028, if
2209 the association has completed a milestone inspection pursuant to
2210 s. 553.899 within the previous 2 calendar years, the board, upon
2211 the approval of a majority of the total voting interests of the
2212 association, may temporarily pause, for a period of no more than
2213 two consecutive annual budgets, reserve fund contributions or
2214 reduce the amount of reserve funding for the purpose of funding
2215 repairs recommended by the milestone inspection. This sub-
2216 subparagraph does not apply to an association controlled by a
2217 developer as defined in s. 718.103, an association in which the
2218 nondeveloper unit owners have been in control for less than 1
2219 year, or an association controlled by one or more bulk assignees
2220 or bulk buyers as those terms are defined in s. 718.703. An
2221 association that has paused reserve contributions under this
2222 subparagraph must have a structural integrity reserve study
2223 performed before the continuation of reserve contributions in
2224 order to determine the association's reserve funding needs and
2225 to recommend a reserve funding plan.

2226 ~~f.b.~~ Before turnover of control of an association by a
2227 developer to unit owners other than a developer under s.
2228 718.301, the developer-controlled association may not vote to
2229 waive the reserves or reduce funding of the reserves. If a
2230 meeting of the unit owners has been called to determine whether
2231 to waive or reduce the funding of reserves and no such result is
2232 achieved or a quorum is not attained, the reserves included in
2233 the budget shall go into effect. After the turnover, the
2234 developer may vote its voting interest to waive or reduce the
2235 funding of reserves.

2236 3. Reserve funds and any interest accruing thereon shall
2237 remain in the reserve account or accounts, and may be used only
2238 for authorized reserve expenditures unless their use for other
2239 purposes is approved in advance by a majority vote of all the
2240 total voting interests of the association. Before turnover of
2241 control of an association by a developer to unit owners other
2242 than the developer pursuant to s. 718.301, the developer-
2243 controlled association may not vote to use reserves for purposes
2244 other than those for which they were intended. For a budget
2245 adopted on or after December 31, 2024, members of a unit-owner-
2246 controlled association that must obtain a structural integrity
2247 reserve study may not vote to use reserve funds, or any interest
2248 accruing thereon, for any other purpose other than the
2249 replacement or deferred maintenance costs of the components
2250 listed in paragraph (g).

2251 4. An association's reserve accounts may be pooled for two
2252 or more required components. Reserve funding for components
2253 listed in paragraph (g) may only be pooled with other components
2254 listed in paragraph (g). The reserve funding indicated in the
2255 proposed annual budget must be sufficient to ensure that
2256 available funds meet or exceed projected expenses for all
2257 components in the reserve pool based on the reserve funding plan
2258 or schedule of the most recent structural integrity reserve
2259 study. A vote of the members is not required for the board to
2260 change the accounting method for reserves to a pooling
2261 accounting method or a straight-line accounting method.

2262 ~~5.4.~~ The only voting interests that are eligible to vote
2263 on questions that involve waiving or reducing the funding of
2264 reserves, or using existing reserve funds for purposes other
2265 than purposes for which the reserves were intended, are the
2266 voting interests of the units subject to assessment to fund the
2267 reserves in question. Proxy questions relating to waiving or
2268 reducing the funding of reserves or using existing reserve funds
2269 for purposes other than purposes for which the reserves were
2270 intended must contain the following statement in capitalized,
2271 bold letters in a font size larger than any other used on the
2272 face of the proxy ballot:

2273
2274 WAIVING OF RESERVES, IN WHOLE OR IN PART, OR ALLOWING
2275 ALTERNATIVE USES OF EXISTING RESERVES MAY RESULT IN

UNIT OWNER LIABILITY FOR PAYMENT OF UNANTICIPATED
SPECIAL ASSESSMENTS REGARDING THOSE ITEMS.

6. The division shall annually adjust for inflation, based on the Consumer Price Index for All Urban Consumers released in January of each year, the minimum \$25,000 threshold amount for required reserves. By February 1, 2026, and annually thereafter, the division must conspicuously post on its website the inflation-adjusted minimum threshold amount for required reserves.

(g) Structural integrity reserve study.—

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

a. Roof.

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

c. Fireproofing and fire protection systems.

d. Plumbing.

e. Electrical systems.

2301 f. Waterproofing and exterior painting.

2302 g. Windows and exterior doors.

2303 h. Any other item that has a deferred maintenance expense
2304 or replacement cost that exceeds \$25,000 or the inflation-
2305 adjusted amount determined by the division under subparagraph
2306 (f) 6., whichever is greater, \$10,000 and the failure to replace
2307 or maintain such item negatively affects the items listed in
2308 sub-subparagraphs a.-g., as determined by the visual inspection
2309 portion of the structural integrity reserve study.

2310 2. A structural integrity reserve study is based on a
2311 visual inspection of the condominium property.

2312 3.a. A structural integrity reserve study ~~may be performed~~
2313 ~~by any person qualified to perform such study. However,~~
2314 including the visual inspection portion of the structural
2315 integrity reserve study, must be performed or verified by an
2316 engineer licensed under chapter 471, an architect licensed under
2317 chapter 481, or a person certified as a reserve specialist or
2318 professional reserve analyst by the Community Associations
2319 Institute or the Association of Professional Reserve Analysts.

2320 b. Any design professional as defined in s. 558.002 or any
2321 contractor licensed under chapter 489 who bids to perform a
2322 structural integrity reserve study must disclose in writing to
2323 the association his or her intent to bid on any services related
2324 to any maintenance, repair, or replacement that may be
2325 recommended by the structural integrity reserve study. Any

design professional as defined in s. 558.002 or contractor
licensed under chapter 489 who submits a bid to the association
for performing any services recommended by the structural
integrity reserve study may not have an interest, directly or
indirectly, in the firm or entity providing the association's
structural integrity reserve study or be a relative of any
person having a direct or indirect interest in such firm, unless
such relationship is disclosed to the association in writing. As
used in this section, the term "relative" means a relative
within the third degree of consanguinity by blood or marriage. A
contract for services is voidable and terminates upon the
association filing a written notice terminating the contract if
the design professional or licensed contractor failed to provide
the written disclosure of the interests or relationships
required under this paragraph. A design professional or licensed
contractor may be subject to discipline under the applicable
practice act for his or her profession for failure to provide
the written disclosure of the interests or relationships
required under this paragraph.

4.a.3- At a minimum, a structural integrity reserve study
must identify each item of the condominium property being
visually inspected, state the estimated remaining useful life
and the estimated replacement cost or deferred maintenance
expense of each item of the condominium property being visually
inspected, and provide a reserve funding plan or schedule with a

2351 recommended annual reserve amount that achieves the estimated
2352 replacement cost or deferred maintenance expense of each item of
2353 condominium property being visually inspected by the end of the
2354 estimated remaining useful life of the item. At a minimum, the
2355 structural integrity reserve study must include a recommendation
2356 for a reserve funding schedule based on a baseline funding plan
2357 that provides a reserve funding goal in which the reserve
2358 funding for each budget year is sufficient to maintain the
2359 reserve cash balance above zero. The study may recommend other
2360 types of reserve funding schedules, provided that each
2361 recommended schedule is sufficient to meet the association's
2362 maintenance obligation.

2363 b. The structural integrity reserve study may recommend
2364 that reserves do not need to be maintained for any item for
2365 which an estimate of useful life and an estimate of replacement
2366 cost cannot be determined, or the study may recommend a deferred
2367 maintenance expense amount for such item. The structural
2368 integrity reserve study may recommend that reserves for
2369 replacement costs do not need to be maintained for any item with
2370 an estimated remaining useful life of greater than 25 years, but
2371 the study may recommend a deferred maintenance expense amount
2372 for such item. If the structural integrity reserve study
2373 recommends reserves for any item for which reserves are not
2374 required under this paragraph, the amount of the recommended
2375 reserves for such item must be separately identified in the

2376 structural integrity reserve study as an item for which reserves
2377 are not required under this paragraph.

2378 c. The structural integrity reserve study must take into
2379 consideration the funding method or methods used by the
2380 association to fund its maintenance and reserve funding
2381 obligations through regular assessments, special assessments,
2382 lines of credit, or loans. If the structural integrity reserve
2383 study is performed before the association has approved a special
2384 assessment or secured a line of credit or a loan, the structural
2385 integrity reserve study must be updated to reflect the funding
2386 method selected by the association and its effect on the reserve
2387 funding schedule, including any anticipated change in the amount
2388 of regular assessments. The structural integrity reserve study
2389 may be updated to reflect any changes to the useful life of the
2390 reserve items after such items are repaired or replaced, and the
2391 effect such repair or replacement will have on the reserve
2392 funding schedule. The association must obtain an updated
2393 structural integrity reserve study before adopting any budget in
2394 which the reserve funding from regular assessments, special
2395 assessments, lines of credit, or loans do not align with the
2396 funding plan from the most recent version of the structural
2397 integrity reserve study.

2398 5.4. This paragraph does not apply to buildings less than
2399 three stories in height; single-family, two-family, ~~or~~ three-
2400 family, or four-family dwellings with three or fewer habitable

2401 stories above ground; any portion or component of a building
2402 that has not been submitted to the condominium form of
2403 ownership; or any portion or component of a building that is
2404 maintained by a party other than the association.

2405 ~~6.5.~~ Before a developer turns over control of an
2406 association to unit owners other than the developer, the
2407 developer must have a turnover inspection report in compliance
2408 with s. 718.301(4)(p) and (q) for each building on the
2409 condominium property that is three stories or higher in height.

2410 ~~7.6.~~ Associations existing on or before July 1, 2022,
2411 which are controlled by unit owners other than the developer,
2412 must have a structural integrity reserve study completed by
2413 December 31, 2025 ~~2024~~, for each building on the condominium
2414 property that is three stories or higher in height. An
2415 association that is required to complete a milestone inspection
2416 in accordance with s. 553.899 on or before December 31, 2026,
2417 may complete the structural integrity reserve study
2418 simultaneously with the milestone inspection. In no event may
2419 the structural integrity reserve study be completed after
2420 December 31, 2026.

2421 ~~8.7.~~ If the milestone inspection required by s. 553.899,
2422 or an inspection completed for a similar local requirement, was
2423 performed within the past 5 years and meets the requirements of
2424 this paragraph, such inspection may be used in place of the
2425 visual inspection portion of the structural integrity reserve

study.

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

~~10.8.~~ If the officers or directors of an association willfully and knowingly fail to complete a structural integrity reserve study pursuant to this paragraph, such failure is a breach of an officer's or a ~~and~~ director's fiduciary relationship to the unit owners under s. 718.111(1). An officer or a director of an association must sign an affidavit acknowledging receipt of the completed structural integrity reserve study.

~~11.9.~~ Within 45 days after receiving the structural integrity reserve study, the association must distribute a copy of the study to each unit owner or deliver to each unit owner a notice that the completed study is available for inspection and copying upon a written request. Distribution of a copy of the study or notice must be made by United States mail or personal delivery to the mailing address, property address, or any other address of the owner provided to fulfill the association's

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

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

13. The division shall adopt by rule the form for the structural integrity reserve study in coordination with the Florida Building Commission.

Section 9. Paragraphs (d) and (e) of subsection (5) of section 718.113, Florida Statutes, are amended to read:

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

(5) To protect the health, safety, and welfare of the people of the state and to ensure uniformity and consistency in the hurricane protections installed by condominium associations and unit owners, this subsection applies to all residential and

2476 mixed-use condominiums in the state, regardless of when the
2477 condominium is created pursuant to the declaration of
2478 condominium. Each board of administration of a residential
2479 condominium or mixed-use condominium must adopt hurricane
2480 protection specifications for each building within each
2481 condominium operated by the association which may include color,
2482 style, and other factors deemed relevant by the board. All
2483 specifications adopted by the board must comply with the
2484 applicable building code. The installation, maintenance, repair,
2485 replacement, and operation of hurricane protection in accordance
2486 with this subsection is not considered a material alteration or
2487 substantial addition to the common elements or association
2488 property within the meaning of this section.

2489 (d) Unless otherwise provided in the declaration as
2490 originally recorded, or as amended, a unit owner is not
2491 responsible for the cost of any removal or reinstallation of
2492 hurricane protection, including exterior windows, doors, or
2493 other apertures, if its removal is necessary for the
2494 maintenance, repair, or replacement of other condominium
2495 property or association property for which the association is
2496 responsible. The board shall determine if the removal or
2497 reinstallation of hurricane protection must be completed by the
2498 unit owner or the association if the declaration as originally
2499 recorded, or as amended, does not specify who is responsible for
2500 such costs. If such removal or reinstallation is completed by

the association, the costs incurred by the association may not be charged to the unit owner. If such removal or reinstallation is completed by the unit owner, the association must reimburse the unit owner for the cost of the removal or reinstallation or the association must apply a credit toward future assessments in the amount of the unit owner's cost to remove or reinstall the hurricane protection.

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

Section 10. Paragraph (h) of subsection (1) of section 718.1265, Florida Statutes, is amended to read:

718.1265 Association emergency powers.—

(1) To the extent allowed by law, unless specifically prohibited by the declaration of condominium, the articles, or the bylaws of an association, and consistent with s. 617.0830, the board of administration, in response to damage or injury caused by or anticipated in connection with an emergency, as defined in s. 252.34(4), for which a state of emergency is declared pursuant to s. 252.36 in the locale in which the condominium is located, may exercise the following powers:

2526 (h) Require the evacuation of the condominium property in
2527 the event of an ~~a mandatory~~ evacuation order in the locale in
2528 which the condominium is located. If a ~~Should any~~ unit owner or
2529 other occupant of a condominium fails or refuses ~~fail or refuse~~
2530 to evacuate the condominium property or association property for
2531 which ~~where~~ the board has required evacuation, the association
2532 is ~~shall be~~ immune from liability or injury to persons or
2533 property arising from such failure or refusal.

2534 Section 11. Present subsection (6) of section 718.128,
2535 Florida Statutes, is redesignated as subsection (8), a new
2536 subsection (6) and subsection (7) are added to that section, and
2537 subsection (4) of that section is amended, to read:

2538 718.128 Electronic voting.—The association may conduct
2539 elections and other unit owner votes through an Internet-based
2540 online voting system if a unit owner consents, electronically or
2541 in writing, to online voting and if the following requirements
2542 are met:

2543 (4) This section applies to an association that provides
2544 for and authorizes an online voting system pursuant to this
2545 section by a board resolution. If the board authorizes online
2546 voting, the board must honor a unit owner's request to vote
2547 electronically at all subsequent elections, unless such unit
2548 owner opts out of online voting. The board resolution must
2549 provide that unit owners receive notice of the opportunity to
2550 vote through an online voting system, must establish reasonable

2551 procedures and deadlines for unit owners to consent,
2552 electronically or in writing, to online voting, and must
2553 establish reasonable procedures and deadlines for unit owners to
2554 opt out of online voting after giving consent. ~~Written notice of~~
2555 ~~a meeting at which the resolution will be considered must be~~
2556 ~~mailed, delivered, or electronically transmitted to the unit~~
2557 ~~owners and posted conspicuously on the condominium property or~~
2558 ~~association property at least 14 days before the meeting.~~
2559 ~~Evidence of compliance with the 14-day notice requirement must~~
2560 ~~be made by an affidavit executed by the person providing the~~
2561 ~~notice and filed with the official records of the association.~~

2562 (6) If at least 25 percent of the voting interests of a
2563 condominium petition the board to adopt a resolution for
2564 electronic voting for the next scheduled election, the board
2565 must hold a meeting within 21 days after receipt of the petition
2566 to adopt such resolution. The board must receive the petition
2567 within 180 days after the date of the last scheduled annual
2568 meeting.

2569 (7) (a) Unless the association has adopted electronic
2570 voting in accordance with subsections (1)-(6), the association
2571 must designate an e-mail address for receipt of electronically
2572 transmitted ballots. Electronically transmitted ballots must
2573 meet all the requirements of this subsection.

2574 (b) A unit owner may electronically transmit a ballot to
2575 the e-mail address designated by the association without

2576 complying with s. 718.112(2)(d)4. or the rules providing for the
2577 secrecy of ballots adopted by the division. The association must
2578 count completed ballots that are electronically transmitted to
2579 the designated e-mail address, provided the completed ballots
2580 comply with the requirements of this subsection.

2581 (c) A ballot that is electronically transmitted to the
2582 association must include all of the following:

2583 1. A space for the unit owner to type in his or her unit
2584 number.

2585 2. A space for the unit owner to type in his or her first
2586 and last name, which also functions as the signature of the unit
2587 owner for purposes of signing the ballot.

2588 3. The following statement in capitalized letters and in a
2589 font size larger than any other font size used in the e-mail
2590 from the association to the unit owner:

2591
2592 WAIVING THE SECRECY OF YOUR BALLOT IS YOUR CHOICE. YOU
2593 DO NOT HAVE TO WAIVE THE SECRECY OF YOUR BALLOT IN
2594 ORDER TO VOTE. BY TRANSMITTING YOUR COMPLETED BALLOT
2595 THROUGH E-MAIL TO THE ASSOCIATION, YOU WAIVE THE
2596 SECRECY OF YOUR COMPLETED BALLOT. IF YOU DO NOT WISH
2597 TO WAIVE YOUR SECRECY BUT WISH TO PARTICIPATE IN THE
2598 VOTE THAT IS THE SUBJECT OF THIS BALLOT, PLEASE ATTEND
2599 THE IN-PERSON MEETING DURING WHICH THE MATTER WILL BE
2600 VOTED ON.

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

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

Section 12. Subsection (7) of section 718.203, Florida Statutes, is amended to read:

718.203 Warranties.—

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

Section 13. Subsection (1) of section 718.301, Florida Statutes, is amended to read:

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

(1) If unit owners other than the developer own 15 percent

2626 or more of the units in a condominium that will be operated
2627 ultimately by an association, the unit owners other than the
2628 developer are entitled to elect at least one-third of the
2629 members of the board of administration of the association. Unit
2630 owners other than the developer are entitled to elect at least a
2631 majority of the members of the board of administration of an
2632 association, upon the first to occur of any of the following
2633 events:

2634 (a) Three years after 50 percent of the units that will be
2635 operated ultimately by the association have been conveyed to
2636 purchasers;

2637 (b) Three months after 90 percent of the units that will
2638 be operated ultimately by the association have been conveyed to
2639 purchasers;

2640 (c) When all the units that will be operated ultimately by
2641 the association have been completed, some of them have been
2642 conveyed to purchasers, and none of the others are being offered
2643 for sale by the developer in the ordinary course of business;

2644 (d) When some of the units have been conveyed to
2645 purchasers and none of the others are being constructed or
2646 offered for sale by the developer in the ordinary course of
2647 business;

2648 (e) When the developer files a petition seeking protection
2649 in bankruptcy;

2650 (f) When a receiver for the developer is appointed by a

2651 circuit court and is not discharged within 30 days after such
2652 appointment, unless the court determines within 30 days after
2653 appointment of the receiver that transfer of control would be
2654 detrimental to the association or its members; or
2655 (g) Seven years after the date of the recording of the
2656 certificate of a surveyor and mapper pursuant to s.
2657 718.104(4)(e) or the recording of an instrument that transfers
2658 title to a unit in the condominium which is not accompanied by a
2659 recorded assignment of developer rights in favor of the grantee
2660 of such unit, whichever occurs first; or, in the case of an
2661 association that may ultimately operate more than one
2662 condominium, 7 years after the date of the recording of the
2663 certificate of a surveyor and mapper pursuant to s.
2664 718.104(4)(e) or the recording of an instrument that transfers
2665 title to a unit which is not accompanied by a recorded
2666 assignment of developer rights in favor of the grantee of such
2667 unit, whichever occurs first, for the first condominium it
2668 operates; or, in the case of an association operating a phase
2669 condominium created pursuant to s. 718.403, 7 years after the
2670 date of the recording of the certificate of a surveyor and
2671 mapper pursuant to s. 718.104(4)(e) or the recording of an
2672 instrument that transfers title to a unit which is not
2673 accompanied by a recorded assignment of developer rights in
2674 favor of the grantee of such unit, whichever occurs first.
2675

2676 The developer is entitled to elect at least one member of the
2677 board of administration of an association as long as the
2678 developer holds for sale in the ordinary course of business at
2679 least 5 percent, in condominiums with fewer than 500 units, and
2680 2 percent, in condominiums with more than 500 units, of the
2681 units in a condominium operated by the association. After the
2682 developer relinquishes control of the association, the developer
2683 may exercise the right to vote any developer-owned units in the
2684 same manner as any other unit owner except for purposes of
2685 reacquiring control of the association or selecting the majority
2686 members of the board of administration. Beginning July 1, 2025,
2687 paragraphs (a), (c), (d), and (g) do not apply to nonresidential
2688 condominiums consisting of 10 or fewer units.

2689 Section 14. Subsection (1) of section 718.302, Florida
2690 Statutes, is amended to read:

2691 718.302 Agreements entered into by the association.—

2692 (1) Any grant or reservation made by a declaration, lease,
2693 or other document, and any contract made by an association
2694 before ~~prior to~~ assumption of control of the association by unit
2695 owners other than the developer, that provides for operation,
2696 maintenance, or management of a condominium association or
2697 property serving the unit owners of a condominium shall be fair
2698 and reasonable, and such grant, reservation, or contract may be
2699 canceled by unit owners other than the developer:

2700 (a) If the association operates only one condominium and

2701 the unit owners other than the developer have assumed control of
2702 the association, or if unit owners other than the developer own
2703 at least ~~not less than~~ 75 percent of the voting interests in the
2704 condominium or own at least 90 percent of the voting interests
2705 if the condominium is a nonresidential condominium consisting of
2706 10 or fewer units, the cancellation must ~~shall~~ be by concurrence
2707 of the owners of at least ~~not less than~~ 75 percent of the voting
2708 interests other than the voting interests owned by the
2709 developer. If a grant, reservation, or contract is so canceled
2710 and the unit owners other than the developer have not assumed
2711 control of the association, the association must ~~shall~~ make a
2712 new contract or otherwise provide for maintenance, management,
2713 or operation in lieu of the canceled obligation, at the
2714 direction of the owners of not less than a majority of the
2715 voting interests in the condominium other than the voting
2716 interests owned by the developer.

2717 (b) If the association operates more than one condominium
2718 and the unit owners other than the developer have not assumed
2719 control of the association, and if unit owners other than the
2720 developer own at least 75 percent of the voting interests in the
2721 condominiums ~~a condominium~~ operated by the association or,
2722 beginning July 1, 2025, own at least 90 percent of the voting
2723 interests if the condominium is a nonresidential condominium
2724 consisting of 10 or fewer units, any grant, reservation, or
2725 contract for maintenance, management, or operation of buildings

2726 containing the units in that condominium or of improvements used
2727 only by unit owners of that condominium may be canceled by
2728 concurrence of the owners of at least 75 percent, or the owners
2729 of at least 90 percent if the condominium is a nonresidential
2730 condominium consisting of 10 or fewer units, of the voting
2731 interests in the condominium other than the voting interests
2732 owned by the developer. A ~~No~~ grant, reservation, or contract for
2733 maintenance, management, or operation of recreational areas or
2734 any other property serving more than one condominium, and
2735 operated by more than one association, may not be canceled
2736 except pursuant to paragraph (d).

2737 (c) If the association operates more than one condominium
2738 and the unit owners other than the developer have assumed
2739 control of the association, the cancellation shall be by
2740 concurrence of the owners of not less than 75 percent of the
2741 total number of voting interests in all condominiums operated by
2742 the association other than the voting interests owned by the
2743 developer.

2744 (d) If the owners of units in a condominium have the right
2745 to use property in common with owners of units in other
2746 condominiums and those condominiums are operated by more than
2747 one association, no grant, reservation, or contract for
2748 maintenance, management, or operation of the property serving
2749 more than one condominium may be canceled until unit owners
2750 other than the developer have assumed control of all of the

2751 associations operating the condominiums that are to be served by
2752 the recreational area or other property, after which
2753 cancellation may be effected by concurrence of the owners of not
2754 less than 75 percent of the total number of voting interests in
2755 those condominiums other than voting interests owned by the
2756 developer.

2757 Section 15. Subsection (4) of section 718.407, Florida
2758 Statutes, is amended to read:

2759 718.407 Condominiums created within a portion of a
2760 building or within a multiple parcel building.—

2761 (4) (a) The association of a condominium subject to this
2762 section may inspect and copy the books and records upon which
2763 the costs for maintaining and operating the shared facilities
2764 are based, and must ~~to~~ receive an annual budget with respect to
2765 such costs.

2766 (b) Within 60 days after the end of each fiscal year, the
2767 owner of a portion of a building that is not subject to the
2768 condominium form of ownership shall provide to the association a
2769 complete financial report of all costs for maintaining and
2770 operating the shared facilities. Such report must include copies
2771 of all receipts and invoices. If such owner fails to provide the
2772 report and copies of the receipts and invoices to the
2773 condominium association within the 60-day period, the division
2774 may impose penalties and otherwise enforce and ensure compliance
2775 with this subsection.

2776 (c) Within 60 days after receipt of the complete financial
2777 report, the association may challenge any apportionment of costs
2778 for the maintenance and operation of the shared facilities. A
2779 challenge under this paragraph is governed by s. 720.311.

2780 Section 16. Subsections (1) and (3) of section 718.501,
2781 Florida Statutes, are amended, and paragraph (d) is added to
2782 subsection (2) of that section, to read:

2783 718.501 Authority, responsibility, and duties of Division
2784 of Florida Condominiums, Timeshares, and Mobile Homes.—

2785 (1) The division may enforce and ensure compliance with
2786 this chapter and rules relating to the development,
2787 construction, sale, lease, ownership, operation, and management
2788 of residential condominium units and complaints ~~related to the~~
2789 ~~procedural completion of milestone inspections under s. 553.899.~~
2790 In performing its duties, the division has complete jurisdiction
2791 to investigate complaints and enforce compliance with respect to
2792 associations that are still under developer control or the
2793 control of a bulk assignee or bulk buyer pursuant to part VII of
2794 this chapter and complaints against developers, bulk assignees,
2795 or bulk buyers involving improper turnover or failure to
2796 turnover, pursuant to s. 718.301. However, after turnover has
2797 occurred, the division has jurisdiction to review records and
2798 investigate complaints related only to:

2799 (a)1. Procedural aspects and records relating to financial
2800 issues, including annual financial reporting under s.

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

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

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

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

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

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

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

2826 8. Completion of repairs required by a milestone
2827 inspection under s. 553.899.

2828 ~~9.8.~~ Any written inquiries by unit owners to the
2829 association relating to such matters, including written
2830 inquiries under s. 718.112(2) (a)2.

2831 10. The requirement for associations to maintain an
2832 insurance policy or fidelity bonding for all persons who control
2833 or disperse funds of the association under s. 718.111(11) (h).

2834 11. Board member education requirements under s.
2835 718.112(2) (d) 5.b.

2836 12. Reporting requirements for structural integrity
2837 reserve studies under subsection (3) and under s.
2838 718.112(2) (g) 12.

2839 (b)1. The division may make necessary public or private
2840 investigations within or outside this state to determine whether
2841 any person has violated this chapter or any rule or order
2842 hereunder, to aid in the enforcement of this chapter, or to aid
2843 in the adoption of rules or forms.

2844 2. The division may submit any official written report,
2845 worksheet, or other related paper, or a duly certified copy
2846 thereof, compiled, prepared, drafted, or otherwise made by and
2847 duly authenticated by a financial examiner or analyst to be
2848 admitted as competent evidence in any hearing in which the
2849 financial examiner or analyst is available for cross-examination
2850 and attests under oath that such documents were prepared as a

2851 result of an examination or inspection conducted pursuant to
2852 this chapter.

2853 (c) The division may require or permit any person to file
2854 a statement in writing, under oath or otherwise, as the division
2855 determines, as to the facts and circumstances concerning a
2856 matter to be investigated.

2857 (d) For the purpose of any investigation under this
2858 chapter, the division director or any officer or employee
2859 designated by the division director may administer oaths or
2860 affirmations, subpoena witnesses and compel their attendance,
2861 take evidence, and require the production of any matter which is
2862 relevant to the investigation, including the existence,
2863 description, nature, custody, condition, and location of any
2864 books, documents, or other tangible things and the identity and
2865 location of persons having knowledge of relevant facts or any
2866 other matter reasonably calculated to lead to the discovery of
2867 material evidence. Upon the failure by a person to obey a
2868 subpoena or to answer questions propounded by the investigating
2869 officer and upon reasonable notice to all affected persons, the
2870 division may apply to the circuit court for an order compelling
2871 compliance.

2872 (e) Notwithstanding any remedies available to unit owners
2873 and associations, if the division has reasonable cause to
2874 believe that a violation of any provision of this chapter or
2875 related rule has occurred, the division may institute

2876 enforcement proceedings in its own name against any developer,
2877 bulk assignee, bulk buyer, association, officer, or member of
2878 the board of administration, or its assignees or agents, as
2879 follows:

2880 1. The division may permit a person whose conduct or
2881 actions may be under investigation to waive formal proceedings
2882 and enter into a consent proceeding whereby orders, rules, or
2883 letters of censure or warning, whether formal or informal, may
2884 be entered against the person.

2885 2. The division may issue an order requiring the
2886 developer, bulk assignee, bulk buyer, association, developer-
2887 designated officer, or developer-designated member of the board
2888 of administration, developer-designated assignees or agents,
2889 bulk assignee-designated assignees or agents, bulk buyer-
2890 designated assignees or agents, community association manager,
2891 or community association management firm to cease and desist
2892 from the unlawful practice and take such affirmative action as
2893 in the judgment of the division carry out the purposes of this
2894 chapter. If the division finds that a developer, bulk assignee,
2895 bulk buyer, association, officer, or member of the board of
2896 administration, or its assignees or agents, is violating or is
2897 about to violate any provision of this chapter, any rule adopted
2898 or order issued by the division, or any written agreement
2899 entered into with the division, and presents an immediate danger
2900 to the public requiring an immediate final order, it may issue

an emergency cease and desist order reciting with particularity the facts underlying such findings. The emergency cease and desist order is effective for 90 days. If the division begins nonemergency cease and desist proceedings, the emergency cease and desist order remains effective until the conclusion of the proceedings under ss. 120.569 and 120.57.

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

4. The division may petition the court for appointment of a receiver or conservator. If appointed, the receiver or conservator may take action to implement the court order to ensure the performance of the order and to remedy any breach thereof. In addition to all other means provided by law for the enforcement of an injunction or temporary restraining order, the circuit court may impound or sequester the property of a party

defendant, including books, papers, documents, and related records, and allow the examination and use of the property by the division and a court-appointed receiver or conservator.

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

6. The division may impose a civil penalty against a developer, bulk assignee, or bulk buyer, or association, or its assignee or agent, for any violation of this chapter or related rule. The division may impose a civil penalty individually against an officer or board member who willfully and knowingly violates this chapter, an adopted rule, or a final order of the division; may order the removal of such individual as an officer or from the board of administration or as an officer of the association; and may prohibit such individual from serving as an officer or on the board of a community association for a period of time. The term "willfully and knowingly" means that the division informed the officer or board member that his or her action or intended action violates this chapter, a rule adopted

2951 under this chapter, or a final order of the division and that
2952 the officer or board member refused to comply with the
2953 requirements of this chapter, a rule adopted under this chapter,
2954 or a final order of the division. The division, before
2955 initiating formal agency action under chapter 120, must afford
2956 the officer or board member an opportunity to voluntarily
2957 comply, and an officer or board member who complies within 10
2958 days is not subject to a civil penalty. A penalty may be imposed
2959 on the basis of each day of continuing violation, but the
2960 penalty for any offense may not exceed \$5,000. The division
2961 shall adopt~~7~~ by rule~~7~~ penalty guidelines applicable to possible
2962 violations or to categories of violations of this chapter or
2963 rules adopted by the division. The guidelines must specify a
2964 meaningful range of civil penalties for each such violation of
2965 the statute and rules and must be based upon the harm caused by
2966 the violation, upon the repetition of the violation, and upon
2967 such other factors deemed relevant by the division. For example,
2968 the division may consider whether the violations were committed
2969 by a developer, bulk assignee, or bulk buyer, or owner-
2970 controlled association, the size of the association, and other
2971 factors. The guidelines must designate the possible mitigating
2972 or aggravating circumstances that justify a departure from the
2973 range of penalties provided by the rules. It is the legislative
2974 intent that minor violations be distinguished from those which
2975 endanger the health, safety, or welfare of the condominium

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

7. If a unit owner presents the division with proof that the unit owner has requested access to official records in writing by certified mail, and that after 10 days the unit owner

again made the same request for access to official records in writing by certified mail, and that more than 10 days has elapsed since the second request and the association has still failed or refused to provide access to official records as required by this chapter, the division shall issue a subpoena requiring production of the requested records at the location in which the records are kept pursuant to s. 718.112. Upon receipt of the records, the division must provide to the unit owner who was denied access to such records the produced official records without charge.

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

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

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

3026 (g) The division may adopt rules to administer and enforce
3027 this chapter.

3028 (h) The division shall establish procedures for providing
3029 notice to an association and the developer, bulk assignee, or
3030 bulk buyer during the period in which the developer, bulk
3031 assignee, or bulk buyer controls the association if the division
3032 is considering the issuance of a declaratory statement with
3033 respect to the declaration of condominium or any related
3034 document governing such condominium community.

3035 (i) The division shall furnish each association that pays
3036 the fees required by paragraph (2)(a) a copy of this chapter, as
3037 amended, and the rules adopted thereto on an annual basis.

3038 (j) The division shall annually provide each association
3039 with a summary of declaratory statements and formal legal
3040 opinions relating to the operations of condominiums which were
3041 rendered by the division during the previous year.

3042 (k) The division shall provide training and educational
3043 programs for condominium association board members and unit
3044 owners. The training may, in the division's discretion, include
3045 web-based electronic media and live training and seminars in
3046 various locations throughout the state. The division may review
3047 and approve education and training programs for board members
3048 and unit owners offered by providers and shall maintain a
3049 current list of approved programs and providers and make such
3050 list available to board members and unit owners in a reasonable

and cost-effective manner. The division shall provide the division-approved provider with the template certificate for issuance directly to the association's board of directors who have satisfactorily completed the requirements under s. 718.112(2) (d). The division shall adopt rules to implement this section.

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

(m) The division shall develop a program to certify both volunteer and paid mediators to provide mediation of condominium disputes. The division shall provide, upon request, a list of such mediators to any association, unit owner, or other participant in alternative dispute resolution proceedings under s. 718.1255 requesting a copy of the list. The division shall include on the list of volunteer mediators only the names of persons who have received at least 20 hours of training in mediation techniques or who have mediated at least 20 disputes. In order to become initially certified by the division, paid mediators must be certified by the Supreme Court to mediate court cases in county or circuit courts. However, the division may adopt ~~7~~ by rule ~~7~~ additional factors for the certification of paid mediators, which must be related to experience, education, or background. Any person initially certified as a paid mediator by the division must, in order to continue to be certified, comply with the factors or requirements adopted by rule.

(n) If a complaint is made, the division must conduct its inquiry with due regard for the interests of the affected parties. Within 30 days after receipt of a complaint, the division shall acknowledge the complaint in writing and notify the complainant whether the complaint is within the jurisdiction of the division and whether additional information is needed by the division from the complainant. The division shall conduct its investigation and, within 90 days after receipt of the original complaint or of timely requested additional information, take action upon the complaint. However, the failure to complete the investigation within 90 days does not prevent the division from continuing the investigation, accepting or considering evidence obtained or received after 90 days, or taking administrative action if reasonable cause exists to believe that a violation of this chapter or a rule has occurred. If an investigation is not completed within the time limits established in this paragraph, the division shall, on a monthly basis, notify the complainant in writing of the status of the investigation. When reporting its action to the complainant, the division shall inform the complainant of any right to a hearing under ss. 120.569 and 120.57. The division may adopt rules regarding the submission of a complaint against an association.

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

3101 and community association managers; and community association
3102 management firms have an ongoing duty to reasonably cooperate
3103 with the division in any investigation under this section. The
3104 division shall refer to local law enforcement authorities any
3105 person whom the division believes has altered, destroyed,
3106 concealed, or removed any record, document, or thing required to
3107 be kept or maintained by this chapter with the purpose to impair
3108 its verity or availability in the department's investigation.
3109 The division shall refer to local law enforcement authorities
3110 any person whom the division believes has engaged in fraud,
3111 theft, embezzlement, or other criminal activity or when the
3112 division has cause to believe that fraud, theft, embezzlement,
3113 or other criminal activity has occurred.

3114 (p) The division director or any officer or employee of
3115 the division and the condominium ombudsman or any employee of
3116 the Office of the Condominium Ombudsman may attend and observe
3117 any meeting of the board of administration or any unit owner
3118 meeting, including any meeting of a subcommittee or special
3119 committee, which is open to members of the association for the
3120 purpose of performing the duties of the division or the Office
3121 of the Condominium Ombudsman under this chapter.

3122 (q) The division may:

- 3123 1. Contract with agencies in this state or other
3124 jurisdictions to perform investigative functions; or
3125 2. Accept grants-in-aid from any source.

3126 (r) The division shall cooperate with similar agencies in
3127 other jurisdictions to establish uniform filing procedures and
3128 forms, public offering statements, advertising standards, and
3129 rules and common administrative practices.

3130 (s) The division shall consider notice to a developer,
3131 bulk assignee, or bulk buyer to be complete when it is delivered
3132 to the address of the developer, bulk assignee, or bulk buyer
3133 currently on file with the division.

3134 (t) In addition to its enforcement authority, the division
3135 may issue a notice to show cause, which must provide for a
3136 hearing, upon written request, in accordance with chapter 120.

3137 (u) If the division receives a complaint regarding access
3138 to official records on the association's website or through an
3139 application that can be downloaded on a mobile device under s.
3140 718.111(12)(g), the division may request access to the
3141 association's website or application and investigate. The
3142 division may adopt rules to carry out this paragraph.

3143 (v) The division shall submit to the Governor, the
3144 President of the Senate, the Speaker of the House of
3145 Representatives, and the chairs of the legislative
3146 appropriations committees an annual report that includes, but
3147 need not be limited to, the number of training programs provided
3148 for condominium association board members and unit owners, the
3149 number of complaints received by type, the number and percent of
3150 complaints acknowledged in writing within 30 days and the number

3151 and percent of investigations acted upon within 90 days in
3152 accordance with paragraph (n), and the number of investigations
3153 exceeding the 90-day requirement. The annual report must also
3154 include an evaluation of the division's core business processes
3155 and make recommendations for improvements, including statutory
3156 changes. After December 31, 2024, the division must include a
3157 list of the associations that have completed the structural
3158 integrity reserve study required under s. 718.112(2)(g). The
3159 report shall be submitted by September 30 following the end of
3160 the fiscal year.

3161 (2)

3162 (d) Each condominium association must create and maintain
3163 an online account with the division, as required in subsection
3164 (3).

3165 (3) On or before October 1, 2025, all condominium
3166 associations must create and maintain an online account with the
3167 division and provide information requested by the division in an
3168 electronic format determined by the division. The division shall
3169 adopt rules to implement this subsection. The division may
3170 require condominium associations to provide such information no
3171 more than once per year, except that the division may require
3172 condominium associations to update the contact information in
3173 paragraph (a) within 30 days after any change. The division
3174 shall provide a condominium association at least a 45-day notice
3175 of any requirement to provide any information after the

condominium association initially creates an online account. The information that the division may require from condominium associations is limited to:

(a) Contact information for the association that includes:

1. Name of the association.

2. The physical address of the condominium property.

3. Mailing address and county of the association.

4. E-mail address and telephone number for the association.

5. Name and board title for each member of the association's board.

6. Name and contact information of the association's community association manager or community association management firm, if applicable.

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

(b) Total number of buildings and for each building in the association:

1. Total number of stories, including both habitable and uninhabitable stories.

2. Total number of units.

3. Age of each building based on the certificate of occupancy.

4. Any construction commenced within the common elements within the calendar year.

3201 (c) The association's assessments, including the:
3202 1. Amount of assessment or special assessment by unit
3203 type, including reserves.
3204 2. Purpose of the assessment or special assessment.
3205 3. Name of the financial institution or institutions with
3206 which the association maintains accounts.

3207 (d) A copy of any structural integrity reserve study and
3208 any associated materials requested by the department within 5
3209 business days after such request, in a manner prescribed by the
3210 department.

3211 ~~(a) On or before January 1, 2023, condominium associations~~
3212 ~~existing on or before July 1, 2022, must provide the following~~
3213 ~~information to the division in writing, by e-mail, United States~~
3214 ~~Postal Service, commercial delivery service, or hand delivery,~~
3215 ~~at a physical address or e-mail address provided by the division~~
3216 ~~and on a form posted on the division's website:~~

3217 ~~1. The number of buildings on the condominium property~~
3218 ~~that are three stories or higher in height.~~
3219 ~~2. The total number of units in all such buildings.~~
3220 ~~3. The addresses of all such buildings.~~
3221 ~~4. The counties in which all such buildings are located.~~

3222 ~~(b) The division must compile a list of the number of~~
3223 ~~buildings on condominium property that are three stories or~~
3224 ~~higher in height, which is searchable by county, and must post~~
3225 ~~the list on the division's website. This list must include all~~

~~of the following information:~~

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

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

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

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

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

Section 17. Paragraph (d) of subsection (1) and paragraphs (d) and (e) of subsection (2) of section 718.503, Florida Statutes, are amended to read:

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

(1) DEVELOPER DISCLOSURE.—

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

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

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

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

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

3301 WRITING. BUYER'S RIGHT TO VOID THIS AGREEMENT SHALL TERMINATE AT
3302 CLOSING.

3303
3304 A contract that does not conform to the requirements of this
3305 paragraph is voidable at the option of the purchaser before
3306 ~~prior to~~ closing.

3307 (2) NONDEVELOPER DISCLOSURE.—

3308 (d) Each contract entered into after July 1, 1992, for the
3309 resale of a residential unit must ~~shall~~ contain in conspicuous
3310 type either:

3311 1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES
3312 THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE DECLARATION
3313 OF CONDOMINIUM, ARTICLES OF INCORPORATION OF THE ASSOCIATION,
3314 BYLAWS AND RULES OF THE ASSOCIATION, A COPY OF THE MOST RECENT
3315 ANNUAL FINANCIAL STATEMENT AND ANNUAL BUDGET, AND FREQUENTLY
3316 ASKED QUESTIONS AND ANSWERS DOCUMENT MORE THAN 7 ~~3~~ DAYS,
3317 EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, BEFORE ~~PRIOR~~
3318 ~~TO~~ EXECUTION OF THIS CONTRACT; or

3319 2. A clause which states: THIS AGREEMENT IS VOIDABLE BY
3320 BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO
3321 CANCEL WITHIN 7 ~~3~~ DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL
3322 HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE
3323 BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE DECLARATION
3324 OF CONDOMINIUM, ARTICLES OF INCORPORATION, BYLAWS AND RULES OF
3325 THE ASSOCIATION, A COPY OF THE MOST RECENT ANNUAL FINANCIAL

3326 STATEMENT AND ANNUAL BUDGET, AND FREQUENTLY ASKED QUESTIONS AND
3327 ANSWERS DOCUMENT IF SO REQUESTED IN WRITING. ANY PURPORTED
3328 WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER
3329 MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 7
3330 ~~3~~ DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER
3331 THE BUYER RECEIVES THE DECLARATION, ARTICLES OF INCORPORATION,
3332 BYLAWS AND RULES OF THE ASSOCIATION, AND A COPY OF THE MOST
3333 RECENT YEAR-END FINANCIAL STATEMENT AND ANNUAL BUDGET
3334 ~~INFORMATION~~ AND FREQUENTLY ASKED QUESTIONS AND ANSWERS DOCUMENT
3335 IF REQUESTED IN WRITING. BUYER'S RIGHT TO VOID THIS AGREEMENT
3336 SHALL TERMINATE AT CLOSING.

3337
3338 A contract that does not conform to the requirements of this
3339 paragraph is voidable at the option of the purchaser before
3340 ~~prior to~~ closing.

3341 (e) If the association is required to have completed a
3342 milestone inspection as described in s. 553.899, a turnover
3343 inspection report for a turnover inspection performed on or
3344 after July 1, 2023, or a structural integrity reserve study, and
3345 the association has not completed the milestone inspection, the
3346 turnover inspection report, or the structural integrity reserve
3347 study, each contract entered into after December 31, 2024, for
3348 the sale of a residential unit shall contain in conspicuous type
3349 a statement indicating that the association is required to have
3350 a milestone inspection, a turnover inspection report, or a

3351 structural integrity reserve study and has not completed such
3352 inspection, report, or study, as appropriate. If the association
3353 is not required to have a milestone inspection as described in
3354 s. 553.899 or a structural integrity reserve study, each
3355 contract entered into after December 31, 2024, for the sale of a
3356 residential unit shall contain in conspicuous type a statement
3357 indicating that the association is not required to have a
3358 milestone inspection or a structural integrity reserve study, as
3359 appropriate. If the association has completed a milestone
3360 inspection as described in s. 553.899, a turnover inspection
3361 report for a turnover inspection performed on or after July 1,
3362 2023, or a structural integrity reserve study, each contract
3363 entered into after December 31, 2024, for the resale of a
3364 residential unit shall contain in conspicuous type:

3365 1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES
3366 THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE INSPECTOR-
3367 PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED
3368 IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF
3369 THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION
3370 718.301(4) (p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A
3371 COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY
3372 RESERVE STUDY DESCRIBED IN SECTIONS 718.103(26) AND
3373 718.112(2) (g), FLORIDA STATUTES, IF APPLICABLE, MORE THAN 7 ~~3~~
3374 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, BEFORE
3375 ~~PRIOR TO~~ EXECUTION OF THIS CONTRACT; and

2. A clause which states: THIS AGREEMENT IS VOIDABLE BY BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO CANCEL WITHIN 7 ~~3~~ DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE INSPECTOR-
PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION 718.301(4)(p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS 718.103(26) AND 718.112(2)(g), FLORIDA STATUTES, IF APPLICABLE. ANY PURPORTED WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 7 ~~3~~ DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE BUYER RECEIVES A CURRENT COPY OF THE INSPECTOR-PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN SECTION 553.899, FLORIDA STATUTES; A COPY OF THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION 718.301(4)(p) AND (q), FLORIDA STATUTES; OR A COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS 718.103(26) AND 718.112(2)(g), FLORIDA STATUTES, IF REQUESTED IN WRITING. BUYER'S RIGHT TO VOID THIS AGREEMENT SHALL TERMINATE AT CLOSING.

3401 A contract that does not conform to the requirements of this
3402 paragraph is voidable at the option of the purchaser before
3403 ~~prior to~~ closing.

3404 Section 18. Section 8 of chapter 2024-244, Laws of
3405 Florida, is amended to read:

3406 Section 8. Effective January 1, 2026, paragraph (g) of
3407 subsection (12) of section 718.111, Florida Statutes, as amended
3408 by this act, is amended to read:

3409 718.111 The association.—

3410 (12) OFFICIAL RECORDS.—

3411 (g)1. An association managing a condominium with 25 or
3412 more units which does not contain timeshare units shall post
3413 digital copies of the documents specified in subparagraph 2. on
3414 its website or make such documents available through an
3415 application that can be downloaded on a mobile device. Unless a
3416 shorter period is otherwise required, a document must be made
3417 available on the association's website or made available for
3418 download through an application on a mobile device within 30
3419 days after the association receives or creates an official
3420 record specified in subparagraph 2.

3421 a. The association's website or application must be:

3422 (I) An independent website, application, or web portal
3423 wholly owned and operated by the association; or

3424 (II) A website, application, or web portal operated by a
3425 third-party provider with whom the association owns, leases,

rents, or otherwise obtains the right to operate a web page, subpage, web portal, collection of subpages or web portals, or an application which is dedicated to the association's activities and on which required notices, records, and documents may be posted or made available by the association.

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

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

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

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

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

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

the articles of incorporation or other documents. The copy posted pursuant to this sub-subparagraph must be a copy of the articles of incorporation filed with the Department of State.

d. The rules of the association.

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

f. The video recording or a hyperlink to the video recording for all meetings of the association, the board of administration, any committee, and the unit owners which are conducted by video conference over the preceding 12 months.

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

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

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

~~j.h.~~ The certification of each director required by s.

3476 718.112(2)(d)4.b.

3477 ~~k.i.~~ All contracts or transactions between the association
3478 and any director, officer, corporation, firm, or association
3479 that is not an affiliated condominium association or any other
3480 entity in which an association director is also a director or
3481 officer and financially interested.

3482 ~~l.j.~~ Any contract or document regarding a conflict of
3483 interest or possible conflict of interest as provided in ss.
3484 468.4335, 468.436(2)(b)6., and 718.3027(3).

3485 ~~m.k.~~ The notice of any unit owner meeting and the agenda
3486 for the meeting, as required by s. 718.112(2)(d)3., no later
3487 than 14 days before the meeting. The notice must be posted in
3488 plain view on the front page of the website or application, or
3489 on a separate subpage of the website or application labeled
3490 "Notices" which is conspicuously visible and linked from the
3491 front page. The association must also post on its website or
3492 application any document to be considered and voted on by the
3493 owners during the meeting or any document listed on the agenda
3494 at least 7 days before the meeting at which the document or the
3495 information within the document will be considered.

3496 ~~n.l.~~ Notice of any board meeting, the agenda, and any
3497 other document required for the meeting as required by s.
3498 718.112(2)(c), which must be posted no later than the date
3499 required for notice under s. 718.112(2)(c).

3500 ~~o.m.~~ The inspection reports described in ss. 553.899 and

718.301(4) (p) and any other inspection report relating to a structural or life safety inspection of condominium property.

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

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

r. A copy of all affidavits required by this chapter.

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

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

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

Section 19. Section 31 of chapter 2024-244, Laws of

Florida, is amended to read:

Section 31. The amendments made to ss. 718.103(14) and 718.202(3) and 718.407(1), (2), and (6), Florida Statutes, as created by this act, may not ~~are intended to clarify existing law and shall~~ apply retroactively and shall only apply to condominiums for which declarations were initially recorded on or after October 1, 2024. ~~However, such amendments do not revive or reinstate any right or interest that has been fully and finally adjudicated as invalid before October 1, 2024.~~

Section 20. Subsection (13) is added to section 719.104, Florida Statutes, to read:

719.104 Cooperatives; access to units; records; financial reports; assessments; purchase of leases.—

(13) INVESTMENT OF ASSOCIATION FUNDS.—

(a) A board shall, in fulfilling its duty to manage operating and reserve funds of its association, use best efforts to make prudent investment decisions that carefully consider risk and return in an effort to maximize returns on invested funds.

(b) An association may invest reserve funds in one or any combination of certificates of deposit or in depository accounts at a community bank, savings bank, commercial bank, savings and loan association, or credit union without a vote of the unit owners.

Section 21. Paragraphs (j) and (k) of subsection (1) of

section 719.106, Florida Statutes, are amended to read:

719.106 Bylaws; cooperative ownership.—

(1) MANDATORY PROVISIONS.—The bylaws or other cooperative documents shall provide for the following, and if they do not, they shall be deemed to include the following:

(j) *Annual budget.*—

1. The proposed annual budget of common expenses must be detailed and must show the amounts budgeted by accounts and expense classifications, including, if applicable, but not limited to, those expenses listed in s. 719.504(20). The board of administration shall adopt the annual budget at least 14 days before the start of the association's fiscal year. In the event that the board fails to timely adopt the annual budget a second time, it is deemed a minor violation and the prior year's budget shall continue in effect until a new budget is adopted.

2.a. In addition to annual operating expenses, the budget must include reserve accounts for capital expenditures and deferred maintenance. These accounts must include, but not be limited to, roof replacement, building painting, and pavement resurfacing, regardless of the amount of deferred maintenance expense or replacement cost, and for any other items for which the deferred maintenance expense or replacement cost exceeds \$25,000 or the inflation-adjusted amount determined by the division under subparagraph 6., whichever amount is greater ~~\$10,000~~. The amount to be reserved must be computed by means of

a formula which is based upon estimated remaining useful life and estimated replacement cost or deferred maintenance expense of the reserve item. In a budget adopted by an association that is required to obtain a structural integrity reserve study, reserves must be maintained for the items identified in paragraph (k) for which the association is responsible pursuant to the declaration, and the reserve amount for such items must be based on the findings and recommendations of the association's most recent structural integrity reserve study. With respect to items for which an estimate of useful life is not readily ascertainable or with an estimated remaining useful life of greater than 25 years, an association is not required to reserve replacement costs for such items, but an association must reserve the amount of deferred maintenance expense, if any, which is recommended by the structural integrity reserve study for such items. The association may adjust replacement reserve assessments annually to take into account an inflation adjustment and any changes in estimates or extension of the useful life of a reserve item caused by deferred maintenance.

b. The members of a unit-owner-controlled association may determine, by a majority vote of the total voting interests of the association, for a fiscal year to provide no reserves or reserves less adequate than required by this subsection. Before turnover of control of an association by a developer to unit owners other than a developer under s. 719.301, the developer-

3601 controlled association may not vote to waive the reserves or
3602 reduce funding of the reserves.

3603 c. For a budget adopted on or after December 31, 2024, a
3604 unit-owner-controlled association that must obtain a structural
3605 integrity reserve study may not determine to provide no reserves
3606 or reserves less adequate than required by this paragraph for
3607 items listed in paragraph (k). If a meeting of the unit owners
3608 has been called to determine to provide no reserves, or reserves
3609 less adequate than required, and such result is not attained or
3610 a quorum is not attained, the reserves as included in the budget
3611 shall go into effect.

3612 d. If the local building official as defined in s.
3613 468.603, determines that the entire cooperative building is
3614 uninhabitable due to a natural emergency as defined in s.
3615 252.34, the board may pause the contribution to its reserves or
3616 reduce reserve funding until the local building official
3617 determines that the cooperative building is habitable. Any
3618 reserve account funds held by the association may be expended,
3619 pursuant to the board's determination, to make the cooperative
3620 building and its structures habitable. Upon the determination by
3621 the local building official that the cooperative building is
3622 habitable, the association must immediately resume contributing
3623 funds to its reserves.

3624 3.a.(I) Reserves for the items identified in paragraph (g)
3625 may be funded by regular assessments, special assessments, lines

3626 of credit, or loans. A special assessment, a line of credit, or
3627 a loan under this sub-subparagraph requires the approval of a
3628 majority vote of the total voting interests of the association.

3629 (II) A unit-owner-controlled association that is required
3630 to have a structural reserve study may secure a line of credit
3631 or a loan to fund capital expenses required by a milestone
3632 inspection under s. 553.899 or a structural integrity reserve
3633 study. The lines of credit or loans must be sufficient to fund
3634 the cumulative amount of any previously waived or unfunded
3635 portion of the reserve funding amount required by this paragraph
3636 and the most recent structural integrity reserve study. Funding
3637 from the line of credit or loans must be immediately available
3638 for access by the board to fund required repair, maintenance, or
3639 replacement expenses without further approval by the members of
3640 the association. A special assessment, a line of credit, or a
3641 loan secured under this sub-subparagraph and related details
3642 must be included in the annual financial statement required
3643 under s. 719.104(4) to be delivered to unit owners and required
3644 under s. 718.503 to be provided to prospective purchasers of a
3645 unit.

3646 b. For a budget adopted on or before December 31, 2028, if
3647 the association has completed a milestone inspection pursuant to
3648 s. 553.899 within the previous 2 calendar years, the board, upon
3649 the approval of a majority of the total voting interests of the
3650 association, may temporarily pause, for a period of no more than

two consecutive annual budgets, reserve fund contributions or
reduce the amount of reserve funding for the purpose of funding
repairs recommended by the milestone inspection. This sub-
subparagraph does not apply to a developer-controlled
association and an association in which the nondeveloper unit
owners have been in control for less than 1 year. An association
that has paused reserve contributions under this sub-
subparagraph must have a structural integrity reserve study
performed before the continuation of reserve contributions in
order to determine the association's reserve funding needs and
to recommend a reserve funding plan.

~~4.3-~~ Reserve funds and any interest accruing thereon shall
remain in the reserve account or accounts, and shall be used
only for authorized reserve expenditures unless their use for
other purposes is approved in advance by a vote of the majority
of the total voting interests of the association. Before
turnover of control of an association by a developer to unit
owners other than the developer under s. 719.301, the developer
may not vote to use reserves for purposes other than that for
which they were intended. For a budget adopted on or after
December 31, 2024, members of a unit-owner-controlled
association that must obtain a structural integrity reserve
study may not vote to use reserve funds, or any interest
accruing thereon, for purposes other than the replacement or
deferred maintenance costs of the components listed in paragraph

3676 (k) .

3677 5. An association's reserve accounts may be pooled for two
3678 or more required components. Reserve funding for components
3679 identified in paragraph (g) may only be pooled with other
3680 components identified in paragraph (g). The reserve funding
3681 indicated in the proposed annual budget must be sufficient to
3682 ensure that available funds meet or exceed projected expenses
3683 for all components in the reserve pool based on the reserve
3684 funding plan or schedule of the most recent structural integrity
3685 reserve study. A vote of the members is not required for the
3686 board to change the accounting method for reserves to a pooling
3687 accounting method or a straight-line accounting method.

3688 6. The division shall annually adjust for inflation, based
3689 on the Consumer Price Index for All Urban Consumers released in
3690 January of each year, the minimum \$25,000 threshold amount for
3691 required reserves. By February 1, 2026, and annually thereafter,
3692 the division must conspicuously post on its website the
3693 inflation-adjusted minimum threshold amount for required
3694 reserves.

3695 (k) *Structural integrity reserve study.*—

3696 1. A residential cooperative association must have a
3697 structural integrity reserve study completed at least every 10
3698 years for each building on the cooperative property that is
3699 three habitable stories or higher in height, as determined by
3700 the Florida Building Code, that includes, at a minimum, a study

of the following items as related to the structural integrity and safety of the building:

a. Roof.

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

c. Fireproofing and fire protection systems.

d. Plumbing.

e. Electrical systems.

f. Waterproofing and exterior painting.

g. Windows and exterior doors.

h. Any other item that has a deferred maintenance expense or replacement cost that exceeds \$25,000 or the inflation-adjusted amount determined by the division under subparagraph (j)6., whichever is greater, ~~\$10,000~~ and the failure to replace or maintain such item negatively affects the items listed in sub-subparagraphs a.-g., as determined by the visual inspection portion of the structural integrity reserve study.

2. A structural integrity reserve study is based on a visual inspection of the cooperative property.

3.a. A structural integrity reserve study ~~may be performed by any person qualified to perform such study. However,~~ including the visual inspection portion of the structural integrity reserve study, must be performed or verified by an engineer licensed under chapter 471, an architect licensed under

chapter 481, or a person certified as a reserve specialist or professional reserve analyst by the Community Associations Institute or the Association of Professional Reserve Analysts.

b. Any design professional as defined in s. 558.002(7) or contractor licensed under chapter 489 who bids to perform a structural integrity reserve study must disclose in writing to the association his or her intent to bid on any services related to any maintenance, repair, or replacement that may be recommended by the structural integrity reserve study. Any design professional as defined in s. 558.002 or contractor licensed under chapter 489 who submits a bid to the association for performing any services recommended by the structural integrity reserve study may not have an interest, directly or indirectly, in the firm or entity providing the association's structural integrity reserve study or be a relative of any person having a direct or indirect interest in such firm, unless such relationship is disclosed to the association in writing. As used in this section, the term "relative" means a relative within the third degree of consanguinity by blood or marriage. A contract for services is voidable and terminates upon the association filing a written notice terminating the contract if the design professional or licensed contractor failed to provide the written disclosure of the relationship required under this paragraph. A design professional or licensed contractor may be subject to discipline under the applicable practice act for his

3751 or her profession for failure to provide the written disclosure
3752 of the relationship required under this subparagraph.

3753 4.a.3. At a minimum, a structural integrity reserve study
3754 must identify each item of the cooperative property being
3755 visually inspected, state the estimated remaining useful life
3756 and the estimated replacement cost or deferred maintenance
3757 expense of each item of the cooperative property being visually
3758 inspected, and provide a reserve funding schedule with a
3759 recommended annual reserve amount that achieves the estimated
3760 replacement cost or deferred maintenance expense of each item of
3761 cooperative property being visually inspected by the end of the
3762 estimated remaining useful life of the item. The structural
3763 integrity reserve study may recommend that reserves do not need
3764 to be maintained for any item for which an estimate of useful
3765 life and an estimate of replacement cost cannot be determined,
3766 or the study may recommend a deferred maintenance expense amount
3767 for such item. At a minimum, the structural integrity reserve
3768 study must include a recommendation for a reserve funding
3769 schedule based on a baseline funding plan that provides a
3770 reserve funding goal in which the reserve funding for each
3771 budget year is sufficient to maintain the reserve cash balance
3772 above zero. The study may recommend other types of reserve
3773 funding schedules, provided that each recommended schedule is
3774 sufficient to meet the association's maintenance obligation.

3775 b. The structural integrity reserve study may recommend

3776 that reserves for replacement costs do not need to be maintained
3777 for any item with an estimated remaining useful life of greater
3778 than 25 years, but the study may recommend a deferred
3779 maintenance expense amount for such item. If the structural
3780 integrity reserve study recommends reserves for any item for
3781 which reserves are not required under this paragraph, the amount
3782 of the recommended reserves for such item must be separately
3783 identified in the structural integrity reserve study as an item
3784 for which reserves are not required under this paragraph.

3785 c. The structural integrity reserve study must take into
3786 consideration the funding method or methods used by the
3787 association to fund its maintenance and reserve funding
3788 obligations through regular assessments, special assessments,
3789 lines of credit, or loans. If the structural integrity reserve
3790 study is performed before the association has approved a special
3791 assessment or secured a line of credit or a loan, the structural
3792 integrity reserve study must be updated to reflect the funding
3793 method selected by the association and its effect on the reserve
3794 funding schedule, including any anticipated change in the amount
3795 of regular assessments. The structural integrity reserve study
3796 may be updated to reflect any changes to the useful life of the
3797 reserve items after such items are repaired or replaced, and the
3798 effect such repair or replacement will have on the reserve
3799 funding schedule. The association must obtain an updated
3800 structural integrity reserve study before adopting any budget in

3801 which the reserve funding from regular assessments, special
3802 assessments, lines of credit, or loans do not align with the
3803 funding plan from the most recent version of the structural
3804 integrity reserve study.

3805 ~~5.4.~~ This paragraph does not apply to buildings less than
3806 three stories in height; single-family, two-family, ~~or~~ three-
3807 family, or four-family dwellings with three or fewer habitable
3808 stories above ground; any portion or component of a building
3809 that has not been submitted to the cooperative form of
3810 ownership; or any portion or component of a building that is
3811 maintained by a party other than the association.

3812 ~~6.5.~~ Before a developer turns over control of an
3813 association to unit owners other than the developer, the
3814 developer must have a turnover inspection report in compliance
3815 with s. 719.301(4)(p) and (q) for each building on the
3816 cooperative property that is three stories or higher in height.

3817 ~~7.6.~~ Associations existing on or before July 1, 2022,
3818 which are controlled by unit owners other than the developer,
3819 must have a structural integrity reserve study completed by
3820 December 31, 2024, for each building on the cooperative property
3821 that is three stories or higher in height. An association that
3822 is required to complete a milestone inspection on or before
3823 December 31, 2026, in accordance with s. 553.899 may complete
3824 the structural integrity reserve study simultaneously with the
3825 milestone inspection. In no event may the structural integrity

reserve study be completed after December 31, 2026.

~~8.7.~~ If the milestone inspection required by s. 553.899, or an inspection completed for a similar local requirement, was performed within the past 5 years and meets the requirements of this paragraph, such inspection may be used in place of the visual inspection portion of the structural integrity reserve study.

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

~~10.8.~~ If the officers or directors of an association willfully and knowingly fail to complete a structural integrity reserve study pursuant to this paragraph, such failure is a breach of an officer's and director's fiduciary relationship to the unit owners under s. 719.104(9). An officer or a director of the association must sign an affidavit acknowledging receipt of the completed structural integrity reserve study.

~~11.9.~~ Within 45 days after receiving the structural integrity reserve study, the association must distribute a copy of the study to each unit owner or deliver to each unit owner a

notice that the completed study is available for inspection and copying upon a written request. Distribution of a copy of the study or notice must be made by United States mail or personal delivery at the mailing address, property address, or any other address of the owner provided to fulfill the association's notice requirements under this chapter, or by electronic transmission to the e-mail address or facsimile number provided to fulfill the association's notice requirements to unit owners who previously consented to receive notice by electronic transmission.

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

13. The division shall adopt by rule the form for the structural integrity reserve study in coordination with the Florida Building Commission.

Section 22. Paragraph (i) of subsection (1) of section 719.128, Florida Statutes, is amended to read:

719.128 Association emergency powers.—

(1) To the extent allowed by law, unless specifically

prohibited by the cooperative documents, and consistent with s. 617.0830, the board of administration, in response to damage or injury caused by or anticipated in connection with an emergency, as defined in s. 252.34(4), for which a state of emergency is declared pursuant to s. 252.36 in the area encompassed by the cooperative, may exercise the following powers:

(i) Require the evacuation of the cooperative property in the event of an ~~a mandatory~~ evacuation order in the area in which ~~where~~ the cooperative is located or prohibit or restrict access to the cooperative property in the event of a public health threat. If a unit owner or other occupant of a cooperative fails or refuses to evacuate the cooperative property for which the board has required evacuation, the association is immune from liability for injury to persons or property arising from such failure or refusal.

Section 23. Subsection (3) of section 719.501, Florida Statutes, is amended, paragraph (c) is added to subsection (2) of that section, and subsection (1) of that section is reenacted, to read:

719.501 Powers and duties of Division of Florida Condominiums, Timeshares, and Mobile Homes.—

(1) The Division of Florida Condominiums, Timeshares, and Mobile Homes of the Department of Business and Professional Regulation, referred to as the "division" in this part, in addition to other powers and duties prescribed by chapter 718,

3901 has the power to enforce and ensure compliance with this chapter
3902 and adopted rules relating to the development, construction,
3903 sale, lease, ownership, operation, and management of residential
3904 cooperative units; complaints related to the procedural
3905 completion of the structural integrity reserve studies under s.
3906 719.106(1)(k); and complaints related to the procedural
3907 completion of milestone inspections under s. 553.899. In
3908 performing its duties, the division shall have the following
3909 powers and duties:

3910 (a) The division may make necessary public or private
3911 investigations within or outside this state to determine whether
3912 any person has violated this chapter or any rule or order
3913 hereunder, to aid in the enforcement of this chapter, or to aid
3914 in the adoption of rules or forms hereunder.

3915 (b) The division may require or permit any person to file
3916 a statement in writing, under oath or otherwise, as the division
3917 determines, as to the facts and circumstances concerning a
3918 matter to be investigated.

3919 (c) For the purpose of any investigation under this
3920 chapter, the division director or any officer or employee
3921 designated by the division director may administer oaths or
3922 affirmations, subpoena witnesses and compel their attendance,
3923 take evidence, and require the production of any matter which is
3924 relevant to the investigation, including the existence,
3925 description, nature, custody, condition, and location of any

books, documents, or other tangible things and the identity and location of persons having knowledge of relevant facts or any other matter reasonably calculated to lead to the discovery of material evidence. Upon failure by a person to obey a subpoena or to answer questions propounded by the investigating officer and upon reasonable notice to all persons affected thereby, the division may apply to the circuit court for an order compelling compliance.

(d) Notwithstanding any remedies available to unit owners and associations, if the division has reasonable cause to believe that a violation of any provision of this chapter or related rule has occurred, the division may institute enforcement proceedings in its own name against a developer, association, officer, or member of the board, or its assignees or agents, as follows:

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

2. The division may issue an order requiring the developer, association, officer, or member of the board, or its assignees or agents, to cease and desist from the unlawful practice and take such affirmative action as in the judgment of the division will carry out the purposes of this chapter. Such

3951 affirmative action may include, but is not limited to, an order
3952 requiring a developer to pay moneys determined to be owed to a
3953 condominium association.

3954 3. The division may bring an action in circuit court on
3955 behalf of a class of unit owners, lessees, or purchasers for
3956 declaratory relief, injunctive relief, or restitution.

3957 4. The division may impose a civil penalty against a
3958 developer or association, or its assignees or agents, for any
3959 violation of this chapter or related rule. The division may
3960 impose a civil penalty individually against any officer or board
3961 member who willfully and knowingly violates a provision of this
3962 chapter, a rule adopted pursuant to this chapter, or a final
3963 order of the division. The term "willfully and knowingly" means
3964 that the division informed the officer or board member that his
3965 or her action or intended action violates this chapter, a rule
3966 adopted under this chapter, or a final order of the division,
3967 and that the officer or board member refused to comply with the
3968 requirements of this chapter, a rule adopted under this chapter,
3969 or a final order of the division. The division, prior to
3970 initiating formal agency action under chapter 120, shall afford
3971 the officer or board member an opportunity to voluntarily comply
3972 with this chapter, a rule adopted under this chapter, or a final
3973 order of the division. An officer or board member who complies
3974 within 10 days is not subject to a civil penalty. A penalty may
3975 be imposed on the basis of each day of continuing violation, but

3976 in no event shall the penalty for any offense exceed \$5,000. The
3977 division shall adopt~~7~~ by rule~~7~~ penalty guidelines applicable to
3978 possible violations or to categories of violations of this
3979 chapter or rules adopted by the division. The guidelines must
3980 specify a meaningful range of civil penalties for each such
3981 violation of the statute and rules and must be based upon the
3982 harm caused by the violation, upon the repetition of the
3983 violation, and upon such other factors deemed relevant by the
3984 division. For example, the division may consider whether the
3985 violations were committed by a developer or owner-controlled
3986 association, the size of the association, and other factors. The
3987 guidelines must designate the possible mitigating or aggravating
3988 circumstances that justify a departure from the range of
3989 penalties provided by the rules. It is the legislative intent
3990 that minor violations be distinguished from those which endanger
3991 the health, safety, or welfare of the cooperative residents or
3992 other persons and that such guidelines provide reasonable and
3993 meaningful notice to the public of likely penalties that may be
3994 imposed for proscribed conduct. This subsection does not limit
3995 the ability of the division to informally dispose of
3996 administrative actions or complaints by stipulation, agreed
3997 settlement, or consent order. All amounts collected shall be
3998 deposited with the Chief Financial Officer to the credit of the
3999 Division of Florida Condominiums, Timeshares, and Mobile Homes
4000 Trust Fund. If a developer fails to pay the civil penalty, the

4001 division shall thereupon issue an order directing that such
4002 developer cease and desist from further operation until such
4003 time as the civil penalty is paid or may pursue enforcement of
4004 the penalty in a court of competent jurisdiction. If an
4005 association fails to pay the civil penalty, the division shall
4006 thereupon pursue enforcement in a court of competent
4007 jurisdiction, and the order imposing the civil penalty or the
4008 cease and desist order shall not become effective until 20 days
4009 after the date of such order. Any action commenced by the
4010 division shall be brought in the county in which the division
4011 has its executive offices or in the county where the violation
4012 occurred.

4013 (e) The division may prepare and disseminate a prospectus
4014 and other information to assist prospective owners, purchasers,
4015 lessees, and developers of residential cooperatives in assessing
4016 the rights, privileges, and duties pertaining thereto.

4017 (f) The division has authority to adopt rules pursuant to
4018 ss. 120.536(1) and 120.54 to implement and enforce the
4019 provisions of this chapter.

4020 (g) The division shall establish procedures for providing
4021 notice to an association when the division is considering the
4022 issuance of a declaratory statement with respect to the
4023 cooperative documents governing such cooperative community.

4024 (h) The division shall furnish each association which pays
4025 the fees required by paragraph (2)(a) a copy of this act,

4026 subsequent changes to this act on an annual basis, an amended
4027 version of this act as it becomes available from the Secretary
4028 of State's office on a biennial basis, and the rules adopted
4029 thereto on an annual basis.

4030 (i) The division shall annually provide each association
4031 with a summary of declaratory statements and formal legal
4032 opinions relating to the operations of cooperatives which were
4033 rendered by the division during the previous year.

4034 (j) The division shall adopt uniform accounting
4035 principles, policies, and standards to be used by all
4036 associations in the preparation and presentation of all
4037 financial statements required by this chapter. The principles,
4038 policies, and standards shall take into consideration the size
4039 of the association and the total revenue collected by the
4040 association.

4041 (k) The division shall provide training and educational
4042 programs for cooperative association board members and unit
4043 owners. The training may, in the division's discretion, include
4044 web-based electronic media and live training and seminars in
4045 various locations throughout the state. The division may review
4046 and approve education and training programs for board members
4047 and unit owners offered by providers and shall maintain a
4048 current list of approved programs and providers and make such
4049 list available to board members and unit owners in a reasonable
4050 and cost-effective manner.

4051 (1) The division shall maintain a toll-free telephone
4052 number accessible to cooperative unit owners.

4053 (m) When a complaint is made to the division, the division
4054 shall conduct its inquiry with reasonable dispatch and with due
4055 regard to the interests of the affected parties. Within 30 days
4056 after receipt of a complaint, the division shall acknowledge the
4057 complaint in writing and notify the complainant whether the
4058 complaint is within the jurisdiction of the division and whether
4059 additional information is needed by the division from the
4060 complainant. The division shall conduct its investigation and
4061 shall, within 90 days after receipt of the original complaint or
4062 timely requested additional information, take action upon the
4063 complaint. However, the failure to complete the investigation
4064 within 90 days does not prevent the division from continuing the
4065 investigation, accepting or considering evidence obtained or
4066 received after 90 days, or taking administrative action if
4067 reasonable cause exists to believe that a violation of this
4068 chapter or a rule of the division has occurred. If an
4069 investigation is not completed within the time limits
4070 established in this paragraph, the division shall, on a monthly
4071 basis, notify the complainant in writing of the status of the
4072 investigation. When reporting its action to the complainant, the
4073 division shall inform the complainant of any right to a hearing
4074 pursuant to ss. 120.569 and 120.57.

4075 (n) The division shall develop a program to certify both

volunteer and paid mediators to provide mediation of cooperative disputes. The division shall provide, upon request, a list of such mediators to any association, unit owner, or other participant in arbitration proceedings under s. 718.1255 requesting a copy of the list. The division shall include on the list of voluntary mediators only persons who have received at least 20 hours of training in mediation techniques or have mediated at least 20 disputes. In order to become initially certified by the division, paid mediators must be certified by the Supreme Court to mediate court cases in county or circuit courts. However, the division may adopt~~7~~ by rule~~7~~ additional factors for the certification of paid mediators, which factors must be related to experience, education, or background. Any person initially certified as a paid mediator by the division must, in order to continue to be certified, comply with the factors or requirements imposed by rules adopted by the division.

(2)

(c) A cooperative association shall create and maintain an online account with the division, as required in subsection (3).

(3) On or before October 1, 2025, all cooperative associations shall create and maintain an online account with the division and provide information requested by the division in an electronic format determined by the division. The division shall adopt rules to implement this subsection. The division may

4101 require cooperative associations to provide such information no
4102 more than once per year, except that the division may require
4103 cooperative associations to update their contact information in
4104 paragraph (a) within 30 days after any change. The division
4105 shall provide a cooperative association at least a 45-day notice
4106 of any requirement to provide any required information after the
4107 cooperative association creates an online account. The
4108 information that the division may require associations to
4109 provide is limited to:

4110 (a) The contact information for the association that
4111 includes all of the following:

- 4112 1. The name of the association.
- 4113 2. The physical address of the cooperative property.
- 4114 3. The mailing address and county of the association.
- 4115 4. The e-mail address and telephone number for the
4116 association.
- 4117 5. The name and board title for each member of the
4118 association's board.
- 4119 6. The name and contact information of the association's
4120 community association manager or community association
4121 management firm, if applicable.
- 4122 7. The hyperlink or website address of the association's
4123 website, if applicable.

4124 (b) The total number of buildings and for each building in
4125 the association:

4126 1. The total number of stories of each building, including
4127 both habitable and uninhabitable stories.

4128 2. The total number of units.

4129 3. The age of each building based on the certificate of
4130 occupancy.

4131 4. Any construction commenced on the common elements
4132 within the previous calendar year.

4133 (c) The association's assessments, including the:

4134 1. Amount of assessment or special assessment by unit
4135 type, including reserves.

4136 2. Purpose of the assessment or special assessment.

4137 3. Name of the financial institution or institutions with
4138 which the association maintains accounts.

4139 (d) A copy of any structural integrity reserve study and
4140 any associated materials requested by the department. The
4141 association must provide such materials within 5 business days
4142 after such request, in a manner prescribed by the department.

4143 ~~(a) On or before January 1, 2023, cooperative associations~~
4144 ~~existing on or before July 1, 2022, must provide the following~~
4145 ~~information to the division in writing, by e-mail, United States~~
4146 ~~Postal Service, commercial delivery service, or hand delivery,~~
4147 ~~at a physical address or e-mail address provided by the division~~
4148 ~~and on a form posted on the division's website:~~

4149 ~~1. The number of buildings on the cooperative property~~
4150 ~~that are three stories or higher in height.~~

~~2. The total number of units in all such buildings.~~

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

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

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

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

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

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

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

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

Section 24. Paragraph (d) of subsection (1) and paragraphs (c) and (d) of subsection (2) of section 719.503, Florida Statutes, are amended to read:

719.503 Disclosure prior to sale.—

(1) DEVELOPER DISCLOSURE.—

(d) *Milestone inspection, turnover inspection report, or structural integrity reserve study.*—If the association is required to have completed a milestone inspection as described

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

1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE INSPECTOR-

4201 PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED
4202 IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF
4203 THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION
4204 719.301(4) (p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A
4205 COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY
4206 RESERVE STUDY DESCRIBED IN SECTIONS 719.103(24) AND
4207 719.106(1) (k), FLORIDA STATUTES, IF APPLICABLE, MORE THAN 15
4208 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, BEFORE
4209 ~~PRIOR TO~~ EXECUTION OF THIS CONTRACT; and

4210 2. A clause which states: THIS AGREEMENT IS VOIDABLE BY
4211 BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO
4212 CANCEL WITHIN 15 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL
4213 HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE
4214 BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE INSPECTOR-
4215 PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED
4216 IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF
4217 THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION
4218 719.301(4) (p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A
4219 COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY
4220 RESERVE STUDY DESCRIBED IN SECTIONS 719.103(24) AND
4221 719.106(1) (k), FLORIDA STATUTES, IF APPLICABLE. ANY PURPORTED
4222 WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER
4223 MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 15
4224 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER
4225 THE BUYER RECEIVES A CURRENT COPY OF THE INSPECTOR-PREPARED

SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN SECTION 553.899, FLORIDA STATUTES; A COPY OF THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION 719.301(4) (p) AND (q), FLORIDA STATUTES; OR A COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS 719.103(24) AND 719.106(1) (k), FLORIDA STATUTES, IF REQUESTED IN WRITING. BUYER'S RIGHT TO VOID THIS AGREEMENT SHALL TERMINATE AT CLOSING.

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

(2) NONDEVELOPER DISCLOSURE.—

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

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

2. A clause which states: THIS AGREEMENT IS VOIDABLE BY BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO CANCEL WITHIN 7 ~~3~~ DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL

4251 HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE
4252 BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE ARTICLES OF
4253 INCORPORATION, BYLAWS, AND RULES OF THE ASSOCIATION, AND
4254 QUESTION AND ANSWER SHEET, IF SO REQUESTED IN WRITING. ANY
4255 PURPORTED WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO
4256 EFFECT. BUYER MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF
4257 NOT MORE THAN 7 ~~3~~ DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL
4258 HOLIDAYS, AFTER THE BUYER RECEIVES THE ARTICLES OF
4259 INCORPORATION, BYLAWS, RULES, AND QUESTION AND ANSWER SHEET, IF
4260 REQUESTED IN WRITING. BUYER'S RIGHT TO VOID THIS AGREEMENT SHALL
4261 TERMINATE AT CLOSING.

4262
4263 A contract that does not conform to the requirements of this
4264 paragraph is voidable at the option of the purchaser before
4265 ~~prior to~~ closing.

4266 (d) If the association is required to have completed a
4267 milestone inspection as described in s. 553.899, a turnover
4268 inspection report for a turnover inspection performed on or
4269 after July 1, 2023, or a structural integrity reserve study, and
4270 the association has not completed the milestone inspection, the
4271 turnover inspection report, or the structural integrity reserve
4272 study, each contract entered into after December 31, 2024, for
4273 the sale of a residential unit shall contain in conspicuous type
4274 a statement indicating that the association is required to have
4275 a milestone inspection, a turnover inspection report, or a

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

1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE INSPECTOR- PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION 719.301(4) (p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS 719.103(24) AND 719.106(1) (k), FLORIDA STATUTES, IF APPLICABLE, MORE THAN 7 ~~3~~ DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, BEFORE ~~PRIOR TO~~ EXECUTION OF THIS CONTRACT; and

2. A clause which states: THIS AGREEMENT IS VOIDABLE BY BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO CANCEL WITHIN 7 ~~3~~ DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE INSPECTOR-
PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION 719.301(4)(p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS 719.103(24) AND 719.106(1)(k), FLORIDA STATUTES, IF APPLICABLE. ANY PURPORTED WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 7 ~~3~~ DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE BUYER RECEIVES A CURRENT COPY OF THE INSPECTOR-PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN SECTION 553.899, FLORIDA STATUTES; A COPY OF THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION 719.301(4)(p) AND (q), FLORIDA STATUTES; OR A COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS 719.103(24) AND 719.106(1)(k), FLORIDA STATUTES, IF REQUESTED IN WRITING. BUYER'S RIGHT TO VOID THIS AGREEMENT SHALL TERMINATE AT CLOSING.

4326 A contract that does not conform to the requirements of this
4327 paragraph is voidable at the option of the purchaser before
4328 ~~prior to~~ closing.

4329 Section 25. Subsection (3) of section 914.21, Florida
4330 Statutes, is amended to read:

4331 914.21 Definitions.—As used in ss. 914.22-914.24, the
4332 term:

4333 (3) "Official investigation" means any investigation
4334 instituted by a law enforcement agency or prosecuting officer of
4335 the state or a political subdivision of the state or the
4336 Commission on Ethics or the Division of Florida Condominiums,
4337 Timeshares, and Mobile Homes of the Department of Business and
4338 Professional Regulation.

4339 Section 26. For the purpose of incorporating the amendment
4340 made by this act to section 468.4335, Florida Statutes, in a
4341 reference thereto, paragraph (b) of subsection (2) of section
4342 468.436, Florida Statutes, is reenacted to read:

4343 468.436 Disciplinary proceedings.—

4344 (2) The following acts constitute grounds for which the
4345 disciplinary actions in subsection (4) may be taken:

4346 (b)1. Violation of this part.

4347 2. Violation of any lawful order or rule rendered or
4348 adopted by the department or the council.

4349 3. Being convicted of or pleading nolo contendere to a
4350 felony in any court in the United States.

4351 4. Obtaining a license or certification or any other
4352 order, ruling, or authorization by means of fraud,
4353 misrepresentation, or concealment of material facts.

4354 5. Committing acts of gross misconduct or gross negligence
4355 in connection with the profession.

4356 6. Contracting, on behalf of an association, with any
4357 entity in which the licensee has a financial interest that is
4358 not disclosed.

4359 7. Failing to disclose any conflict of interest as
4360 required by s. 468.4335.

4361 8. Violating chapter 718, chapter 719, or chapter 720
4362 during the course of performing community association management
4363 services pursuant to a contract with a community association as
4364 defined in s. 468.431(1).

4365 Section 27. For the purpose of incorporating the amendment
4366 made by this act to section 718.110, Florida Statutes, in a
4367 reference thereto, paragraph (b) of subsection (2) of section
4368 718.106, Florida Statutes, is reenacted to read:

4369 718.106 Condominium parcels; appurtenances; possession and
4370 enjoyment.—

4371 (2) There shall pass with a unit, as appurtenances
4372 thereto:

4373 (b) The exclusive right to use such portion of the common
4374 elements as may be provided by the declaration, including the
4375 right to transfer such right to other units or unit owners to

the extent authorized by the declaration as originally recorded, or amendments to the declaration adopted pursuant to the provisions contained therein. Amendments to declarations of condominium providing for the transfer of use rights with respect to limited common elements are not amendments that materially modify unit appurtenances as described in s. 718.110(4). However, in order to be effective, the transfer of use rights with respect to limited common elements must be effectuated in conformity with the procedures set forth in the declaration as originally recorded or as amended under the procedures provided therein. This section is intended to clarify existing law and applies to associations existing on the effective date of this act.

Section 28. For the purpose of incorporating the amendment made by this act to section 718.110, Florida Statutes, in a reference thereto, subsection (4) of section 718.117, Florida Statutes, is reenacted to read:

718.117 Termination of condominium.—

(4) EXEMPTION.—A plan of termination is not an amendment subject to s. 718.110(4). In a partial termination, a plan of termination is not an amendment subject to s. 718.110(4) if the ownership share of the common elements of a surviving unit in the condominium remains in the same proportion to the surviving units as it was before the partial termination.

Section 29. For the purpose of incorporating the amendment

made by this act to section 718.110, Florida Statutes, in a reference thereto, paragraph (d) of subsection (1) of section 718.403, Florida Statutes, is reenacted to read:

718.403 Phase condominiums.—

(1) Notwithstanding the provisions of s. 718.110, a developer may develop a condominium in phases, if the original declaration of condominium submitting the initial phase to condominium ownership or an amendment to the declaration which has been approved by all of the unit owners and unit mortgagees provides for and describes in detail all anticipated phases; the impact, if any, which the completion of subsequent phases would have upon the initial phase; and the time period within which all phases must be added to the condominium and comply with the requirements of this section and at the end of which the right to add additional phases expires.

(d) An amendment that extends the 7-year period pursuant to this section is not subject to the requirements of s. 718.110(4).

Section 30. For the purpose of incorporating the amendment made by this act to section 718.110, Florida Statutes, in a reference thereto, subsection (4) of section 718.405, Florida Statutes, is reenacted to read:

718.405 Multicondominiums; multicondominium associations.—

(4) This section does not prevent or restrict the formation of a multicondominium by the merger or consolidation

of two or more condominium associations. Mergers or consolidations of associations shall be accomplished in accordance with this chapter, the declarations of the condominiums being merged or consolidated, and chapter 617. Section 718.110(4) does not apply to amendments to declarations necessary to effect a merger or consolidation. This section is intended to clarify existing law and applies to associations existing on the effective date of this act.

Section 31. For the purpose of incorporating the amendment made by this act to section 718.111, Florida Statutes, in a reference thereto, paragraph (e) of subsection (3) of section 721.13, Florida Statutes, is reenacted to read:

721.13 Management.—

(3) The duties of the managing entity include, but are not limited to:

(e) Arranging for an annual audit of the financial statements of the timeshare plan by a certified public accountant licensed by the Board of Accountancy of the Department of Business and Professional Regulation, in accordance with generally accepted auditing standards as defined by the rules of the Board of Accountancy of the Department of Business and Professional Regulation. The financial statements required by this section must be prepared on an accrual basis using fund accounting, and must be presented in accordance with generally accepted accounting principles. A copy of the audited

financial statements must be filed with the division for review and forwarded to the board of directors and officers of the owners' association, if one exists, no later than 5 calendar months after the end of the timeshare plan's fiscal year. If no owners' association exists, each purchaser must be notified, no later than 5 months after the end of the timeshare plan's fiscal year, that a copy of the audited financial statements is available upon request to the managing entity. Notwithstanding any requirement of s. 718.111(13) or s. 719.104(4), the audited financial statements required by this section are the only annual financial reporting requirements for timeshare condominiums or timeshare cooperatives.

Section 32. For the purpose of incorporating the amendment made by this act to section 718.112, Florida Statutes, in references thereto, paragraph (a) of subsection (7) and paragraph (c) of subsection (21) of section 718.504, Florida Statutes, are reenacted to read:

718.504 Prospectus or offering circular.—Every developer of a residential condominium which contains more than 20 residential units, or which is part of a group of residential condominiums which will be served by property to be used in common by unit owners of more than 20 residential units, shall prepare a prospectus or offering circular and file it with the Division of Florida Condominiums, Timeshares, and Mobile Homes prior to entering into an enforceable contract of purchase and

4476 sale of any unit or lease of a unit for more than 5 years and
4477 shall furnish a copy of the prospectus or offering circular to
4478 each buyer. In addition to the prospectus or offering circular,
4479 each buyer shall be furnished a separate page entitled
4480 "Frequently Asked Questions and Answers," which shall be in
4481 accordance with a format approved by the division and a copy of
4482 the financial information required by s. 718.111. This page
4483 shall, in readable language, inform prospective purchasers
4484 regarding their voting rights and unit use restrictions,
4485 including restrictions on the leasing of a unit; shall indicate
4486 whether and in what amount the unit owners or the association is
4487 obligated to pay rent or land use fees for recreational or other
4488 commonly used facilities; shall contain a statement identifying
4489 that amount of assessment which, pursuant to the budget, would
4490 be levied upon each unit type, exclusive of any special
4491 assessments, and which shall further identify the basis upon
4492 which assessments are levied, whether monthly, quarterly, or
4493 otherwise; shall state and identify any court cases in which the
4494 association is currently a party of record in which the
4495 association may face liability in excess of \$100,000; shall
4496 state whether the condominium is created within a portion of a
4497 building or within a multiple parcel building; and which shall
4498 further state whether membership in a recreational facilities
4499 association is mandatory, and if so, shall identify the fees
4500 currently charged per unit type. The division shall by rule

4501 require such other disclosure as in its judgment will assist
4502 prospective purchasers. The prospectus or offering circular may
4503 include more than one condominium, although not all such units
4504 are being offered for sale as of the date of the prospectus or
4505 offering circular. The prospectus or offering circular must
4506 contain the following information:

4507 (7) A description of the recreational and other facilities
4508 that will be used in common with other condominiums, community
4509 associations, or planned developments which require the payment
4510 of the maintenance and expenses of such facilities, directly or
4511 indirectly, by the unit owners. The description shall include,
4512 but not be limited to, the following:

4513 (a) Each building and facility committed to be built and a
4514 summary description of the structural integrity of each building
4515 for which reserves are required pursuant to s. 718.112(2)(g).

4516
4517 Descriptions shall include location, areas, capacities, numbers,
4518 volumes, or sizes and may be stated as approximations or
4519 minimums.

4520 (21) An estimated operating budget for the condominium and
4521 the association, and a schedule of the unit owner's expenses
4522 shall be attached as an exhibit and shall contain the following
4523 information:

4524 (c) The estimated items of expenses of the condominium and
4525 the association, except as excluded under paragraph (b),

including, but not limited to, the following items, which shall be stated as an association expense collectible by assessments or as unit owners' expenses payable to persons other than the association:

1. Expenses for the association and condominium:

a. Administration of the association.

b. Management fees.

c. Maintenance.

d. Rent for recreational and other commonly used facilities.

e. Taxes upon association property.

f. Taxes upon leased areas.

g. Insurance.

h. Security provisions.

i. Other expenses.

j. Operating capital.

k. Reserves for all applicable items referenced in s. 718.112(2)(g).

1. Fees payable to the division.

2. Expenses for a unit owner:

a. Rent for the unit, if subject to a lease.

b. Rent payable by the unit owner directly to the lessor or agent under any recreational lease or lease for the use of commonly used facilities, which use and payment is a mandatory condition of ownership and is not included in the common expense

4551 or assessments for common maintenance paid by the unit owners to
4552 the association.

4553 Section 33. For the purpose of incorporating the amendment
4554 made by this act to section 718.112, Florida Statutes, in a
4555 reference thereto, paragraph (d) of subsection (1) of section
4556 718.618, Florida Statutes, is reenacted to read:

4557 718.618 Converter reserve accounts; warranties.—

4558 (1) When existing improvements are converted to ownership
4559 as a residential condominium, the developer shall establish
4560 converter reserve accounts for capital expenditures and deferred
4561 maintenance, or give warranties as provided by subsection (6),
4562 or post a surety bond as provided by subsection (7). The
4563 developer shall fund the converter reserve accounts in amounts
4564 calculated as follows:

4565 (d) In addition to establishing the reserve accounts
4566 specified above, the developer shall establish those other
4567 reserve accounts required by s. 718.112(2)(f), and shall fund
4568 those accounts in accordance with the formula provided therein.
4569 The vote to waive or reduce the funding or reserves required by
4570 s. 718.112(2)(f) does not affect or negate the obligations
4571 arising under this section.

4572 Section 34. For the purpose of incorporating the amendment
4573 made by this act to section 718.113, Florida Statutes, in a
4574 reference thereto, paragraph (e) of subsection (1) of section
4575 718.115, Florida Statutes, is reenacted to read:

718.115 Common expenses and common surplus.—

(1)

(e)1. Except as provided in s. 718.113(5)(d), if the installation of hurricane protection is the responsibility of the unit owners pursuant to the declaration of condominium or a vote of the unit owners under s. 718.113(5), the cost of the installation of hurricane protection by the association is not a common expense and must be charged individually to the unit owners based on the cost of installation of hurricane protection appurtenant to the unit. The costs of installation of hurricane protection are enforceable as an assessment and may be collected in the manner provided under s. 718.116.

2. Notwithstanding s. 718.116(9), and regardless of whether the declaration requires the association or unit owners to install, maintain, repair, or replace hurricane protection, the owner of a unit in which hurricane protection that complies with the current applicable building code has been installed is excused from any assessment levied by the association or shall receive a credit if the same type of hurricane protection is installed by the association. A credit is applicable if the installation of hurricane protection is for all other units that do not have hurricane protection and the cost of such installation is funded by the association's budget, including the use of reserve funds. The credit must be equal to the amount that the unit owner would have been assessed to install the

hurricane protection. However, such unit owner remains responsible for the pro rata share of expenses for hurricane protection installed on common elements and association property by the board pursuant to s. 718.113(5) and remains responsible for a pro rata share of the expense of the replacement, operation, repair, and maintenance of such hurricane protection. Expenses for the installation, replacement, operation, repair, or maintenance of hurricane protection on common elements and association property are common expenses.

Section 35. For the purpose of incorporating the amendments made by this act to sections 718.111, 718.112, and 718.503, Florida Statutes, in references thereto, subsections (1) and (3) of section 718.706, Florida Statutes, are reenacted to read:

718.706 Specific provisions pertaining to offering of units by a bulk assignee or bulk buyer.—

(1) Before offering more than seven units in a single condominium for sale or for lease for a term exceeding 5 years, a bulk assignee or a bulk buyer must file the following documents with the division and provide such documents to a prospective purchaser or tenant:

(a) An updated prospectus or offering circular, or a supplement to the prospectus or offering circular, filed by the original developer prepared in accordance with s. 718.504, which must include the form of contract for sale and for lease in

4626 compliance with s. 718.503(2);

4627 (b) An updated Frequently Asked Questions and Answers
4628 sheet;

4629 (c) The executed escrow agreement if required under s.
4630 718.202; and

4631 (d) The financial information required by s. 718.111(13).
4632 However, if a financial information report did not exist before
4633 the acquisition of title by the bulk assignee or bulk buyer, and
4634 if accounting records that permit preparation of the required
4635 financial information report for that period cannot be obtained
4636 despite good faith efforts by the bulk assignee or the bulk
4637 buyer, the bulk assignee or bulk buyer is excused from the
4638 requirement of this paragraph. However, the bulk assignee or
4639 bulk buyer must include in the purchase contract the following
4640 statement in conspicuous type:

4641
4642 ALL OR A PORTION OF THE FINANCIAL INFORMATION REPORT
4643 REQUIRED UNDER S. 718.111(13) FOR THE TIME PERIOD
4644 BEFORE THE SELLER'S ACQUISITION OF THE UNIT IS NOT
4645 AVAILABLE OR CANNOT BE OBTAINED DESPITE THE GOOD FAITH
4646 EFFORTS OF THE SELLER.

4647
4648 (3) A bulk assignee, while in control of the board of
4649 administration of the association, may not authorize, on behalf
4650 of the association:

4651 (a) The waiver of reserves or the reduction of funding of
4652 the reserves pursuant to s. 718.112(2)(f)2., unless approved by
4653 a majority of the voting interests not controlled by the
4654 developer, bulk assignee, and bulk buyer; or

4655 (b) The use of reserve expenditures for other purposes
4656 pursuant to s. 718.112(2)(f)3., unless approved by a majority of
4657 the voting interests not controlled by the developer, bulk
4658 assignee, and bulk buyer.

4659 Section 36. For the purpose of incorporating the amendment
4660 made by this act to section 718.301, Florida Statutes, in a
4661 reference thereto, subsection (2) of section 718.705, Florida
4662 Statutes, is reenacted to read:

4663 718.705 Board of administration; transfer of control.—

4664 (2) Unless control of the board of administration of the
4665 association has already been relinquished pursuant to s.
4666 718.301(1), the bulk assignee must relinquish control of the
4667 association pursuant to s. 718.301 and this part, as if the bulk
4668 assignee were the developer.

4669 Section 37. For the purpose of incorporating the amendment
4670 made by this act to section 719.106, Florida Statutes, in a
4671 reference thereto, subsection (24) of section 719.103, Florida
4672 Statutes, is reenacted to read:

4673 719.103 Definitions.—As used in this chapter:

4674 (24) "Structural integrity reserve study" means a study of
4675 the reserve funds required for future major repairs and

4676 replacement of the cooperative property performed as required
4677 under s. 719.106(1)(k).

4678 Section 38. For the purpose of incorporating the amendment
4679 made by this act to section 719.106, Florida Statutes, in
4680 references thereto, paragraph (a) of subsection (7) and
4681 paragraph (c) of subsection (20) of section 719.504, Florida
4682 Statutes, are reenacted to read:

4683 719.504 Prospectus or offering circular.—Every developer
4684 of a residential cooperative which contains more than 20
4685 residential units, or which is part of a group of residential
4686 cooperatives which will be served by property to be used in
4687 common by unit owners of more than 20 residential units, shall
4688 prepare a prospectus or offering circular and file it with the
4689 Division of Florida Condominiums, Timeshares, and Mobile Homes
4690 prior to entering into an enforceable contract of purchase and
4691 sale of any unit or lease of a unit for more than 5 years and
4692 shall furnish a copy of the prospectus or offering circular to
4693 each buyer. In addition to the prospectus or offering circular,
4694 each buyer shall be furnished a separate page entitled
4695 "Frequently Asked Questions and Answers," which must be in
4696 accordance with a format approved by the division. This page
4697 must, in readable language: inform prospective purchasers
4698 regarding their voting rights and unit use restrictions,
4699 including restrictions on the leasing of a unit; indicate
4700 whether and in what amount the unit owners or the association is

obligated to pay rent or land use fees for recreational or other commonly used facilities; contain a statement identifying that amount of assessment which, pursuant to the budget, would be levied upon each unit type, exclusive of any special assessments, and which identifies the basis upon which assessments are levied, whether monthly, quarterly, or otherwise; state and identify any court cases in which the association is currently a party of record in which the association may face liability in excess of \$100,000; and state whether membership in a recreational facilities association is mandatory and, if so, identify the fees currently charged per unit type. The division shall by rule require such other disclosure as in its judgment will assist prospective purchasers. The prospectus or offering circular may include more than one cooperative, although not all such units are being offered for sale as of the date of the prospectus or offering circular. The prospectus or offering circular must contain the following information:

(7) A description of the recreational and other facilities that will be used in common with other cooperatives, community associations, or planned developments which require the payment of the maintenance and expenses of such facilities, directly or indirectly, by the unit owners. The description shall include, but not be limited to, the following:

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

summary description of the structural integrity of each building for which reserves are required pursuant to s. 719.106(1)(k).

Descriptions shall include location, areas, capacities, numbers, volumes, or sizes and may be stated as approximations or minimums.

(20) An estimated operating budget for the cooperative and the association, and a schedule of the unit owner's expenses shall be attached as an exhibit and shall contain the following information:

(c) The estimated items of expenses of the cooperative and the association, except as excluded under paragraph (b), including, but not limited to, the following items, which shall be stated as an association expense collectible by assessments or as unit owners' expenses payable to persons other than the association:

1. Expenses for the association and cooperative:
 - a. Administration of the association.
 - b. Management fees.
 - c. Maintenance.
 - d. Rent for recreational and other commonly used areas.
 - e. Taxes upon association property.
 - f. Taxes upon leased areas.
 - g. Insurance.
 - h. Security provisions.

4751 i. Other expenses.
4752 j. Operating capital.
4753 k. Reserves for all applicable items referenced in s.
4754 719.106(1)(k).
4755 1. Fee payable to the division.
4756 2. Expenses for a unit owner:
4757 a. Rent for the unit, if subject to a lease.
4758 b. Rent payable by the unit owner directly to the lessor
4759 or agent under any recreational lease or lease for the use of
4760 commonly used areas, which use and payment are a mandatory
4761 condition of ownership and are not included in the common
4762 expense or assessments for common maintenance paid by the unit
4763 owners to the association.
4764 Section 39. Except as otherwise provided in this act, this
4765 act shall take effect July 1, 2025.