



946314

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/03/2026	.	
	.	
	.	
	.	

The Committee on Regulated Industries (Bradley) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (33) of section 718.103, Florida
Statutes, is amended to read:

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

(33) "Video conference" means a real-time audio- and video-
based meeting between two or more people in different locations
using video-enabled and audio-enabled devices. The notice for



946314

any meeting that is open to the unit owners and will be conducted by video conference must have a hyperlink and call-in conference telephone number for unit owners to attend the meeting and must have a physical location where unit owners can also attend the meeting in person. All meetings conducted by video conference which are open to the unit owners must be recorded, and such recording must be maintained as an official record of the association.

Section 2. Paragraph (c) of subsection (12) of section 718.111, Florida Statutes, is amended to read:

718.111 The association.—

(12) OFFICIAL RECORDS.—

(c)1.a. The official records of the association are open to inspection by any association member and any person 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



946314

40 comply with this paragraph. A unit owner who is denied access to
41 official records is entitled to the actual damages or minimum
42 damages for the association's willful failure to comply. Minimum
43 damages are \$50 per calendar day for up to 10 days, beginning on
44 the 11th working day after receipt of the written request. The
45 failure to permit inspection entitles any person prevailing in
46 an enforcement action to recover reasonable attorney fees from
47 the person in control of the records who, directly or
48 indirectly, knowingly denied access to the records. If the
49 requested records are posted on an association's website, or are
50 available for download through an application on a mobile
51 device, the association may fulfill its obligations under this
52 paragraph by directing to the website or the application all
53 persons authorized to request access.

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

64 2. A director or member of the board or association or a
65 community association manager who willfully and knowingly ~~or~~
66 ~~intentionally~~ violates subparagraph 1. commits a misdemeanor of
67 the second degree, punishable as provided in s. 775.082 or s.
68 775.083, and must be removed from office and a vacancy declared.



946314

69 3. A person who willfully and knowingly or intentionally
70 defaces or destroys accounting records that are required by this
71 chapter to be maintained during the period for which such
72 records are required to be maintained, or who willfully and
73 knowingly or intentionally fails to create or maintain
74 accounting records that are required to be created or
75 maintained, with the intent of causing harm to the association
76 or one or more of its members, commits a misdemeanor of the
77 first degree, punishable as provided in s. 775.082 or s.
78 775.083; is personally subject to a civil penalty pursuant to s.
79 718.501(1)(e); and must be removed from office and a vacancy
80 declared.

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

89 5. The association shall maintain an adequate number of
90 copies of the declaration, articles of incorporation, bylaws,
91 and rules, and all amendments to each of the foregoing, as well
92 as the question and answer sheet as described in s. 718.504 and
93 the most recent annual financial statement and annual budget
94 required under this section, on the condominium property to
95 ensure their availability to unit owners and prospective
96 purchasers, and may charge its actual costs for preparing and
97 furnishing these documents to those requesting the documents. An



946314

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

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

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

c. Personnel records of association or management company employees, including, but not limited to, disciplinary, payroll, health, and insurance records. For purposes of this subparagraph, the term "personnel records" does not include written employment agreements with an association employee or management company, or budgetary or financial records that



946314

indicate the compensation paid to an association employee.

d. Medical records of unit owners.

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

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

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



946314

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

6.a. If an association receives a subpoena or written request for records from a law enforcement agency or prosecuting agency as defined in 112.531, the association must provide a copy of such records or otherwise make the records available for inspection and copying to the law enforcement agency or prosecuting agency within 5 business days after receipt of the subpoena, unless otherwise specified by the law enforcement agency, prosecuting agency, or subpoena. An association must assist a law enforcement agency and a prosecuting agency in its investigation to the extent permissible by law.

b. A director or member of the board or association or a community association manager who willfully and knowingly fails to provide a copy of records, or otherwise make the records available for inspection and copying, to a law enforcement agency or prosecuting agency as required by sub-subparagraph a. commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 3. Paragraph (g) of subsection (2) of section
718.112, Florida Statutes, is amended to read:

718.112 Bylaws.—

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

(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



946314

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.
- 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 (f)6., whichever is greater, and the failure to replace or maintain such item negatively affects the items listed in 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 condominium property.

3.a. A structural integrity reserve study, 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.



946314

b. Any design professional as defined in s. 558.002 or any 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 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. 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



946314

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

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



946314

c. The structural integrity reserve study must take into consideration the funding method or methods used by the association to fund its maintenance and reserve funding obligations through regular assessments, special assessments, lines of credit, or loans. If the structural integrity reserve study is performed before the association has approved a special assessment or secured a line of credit or a loan, the structural integrity reserve study must be updated to reflect the funding method selected by the association and its effect on the reserve funding schedule, including any anticipated change in the amount of regular assessments. The structural integrity reserve study may be updated to reflect any changes to the useful life of the reserve items after such items are repaired or replaced and the effect such repair or replacement will have on the reserve funding schedule. The association must obtain an updated structural integrity reserve study before adopting any budget in which the reserve funding from regular assessments, special assessments, lines of credit, or loans does not align with the funding plan from the most recent version of the structural integrity reserve study.

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

6. Before a developer turns over control of an association to unit owners other than the developer, the developer must have



946314

a turnover inspection report in compliance with s. 718.301(4)(p) and (q) for each building on the condominium property ~~that is three stories or higher in height.~~

7. Associations existing on or before July 1, 2022, which are controlled by unit owners other than the developer, must have a structural integrity reserve study completed by December 31, 2025, for each building on the condominium property that is three habitable stories or higher in height. An association that is required to complete a milestone inspection in accordance with s. 553.899 on or before December 31, 2026, may complete the structural integrity reserve study simultaneously with the milestone inspection. In no event may the structural integrity reserve study be completed after December 31, 2026.

8. 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. If the officers or directors of an association willfully and knowingly fail to complete a structural integrity



946314

reserve study pursuant to this paragraph, such failure is a breach of an officer's or a 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. 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. 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 4. Subsection (7) of section 718.128, Florida



946314

Statutes, is amended to read:

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

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

(b) A unit owner may electronically transmit a ballot to the e-mail address, independent website, application, or Internet web portal designated by the association without complying with s. 718.112(2)(d)3. ~~s. 718.112(2)(d)4.~~ or the rules providing for the secrecy of ballots adopted by the division. The association must count completed ballots that are electronically transmitted to the designated e-mail address, independent website, application, or Internet web portal provided the completed ballots comply with the requirements of this subsection.

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

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

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



946314

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

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

(d) A unit owner must transmit his or her completed ballot to the e-mail address, independent website, application, or Internet web portal 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, independent website, application, or Internet web portal 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 5. Paragraph (k) of subsection (1) of section 719.106, Florida Statutes, is amended to read:

719.106 Bylaws; cooperative ownership.-



946314

(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:

(k) *Structural integrity reserve study*.—

1. A residential cooperative association must have a structural integrity reserve study completed at least every 10 years for each building on the cooperative property that is three habitable stories or higher in height, as determined by 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, and the failure to replace or maintain such item negatively affects the items listed in 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.



946314

3.a. A structural integrity reserve study, 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



946314

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

4.a. At a minimum, a structural integrity reserve study must identify each item of the cooperative property being visually inspected, state the estimated remaining useful life and the estimated replacement cost or deferred maintenance expense of each item of the cooperative property being visually inspected, and provide a reserve funding schedule with a recommended annual reserve amount that achieves the estimated replacement cost or deferred maintenance expense of each item of cooperative property being visually inspected by the end of the estimated remaining useful life of the item. The structural integrity reserve study may recommend that reserves do not need to be maintained for any item for which an estimate of useful life and an estimate of replacement cost cannot be determined, or the study may recommend a deferred maintenance expense amount for such item. At a minimum, the structural integrity reserve study must include a recommendation for a reserve funding schedule based on a baseline funding plan that provides a reserve funding goal in which the reserve funding for each budget year is sufficient to maintain the reserve cash balance above zero. The study may recommend other types of reserve funding schedules, provided that each recommended schedule is sufficient to meet the association's maintenance obligation.

b. The structural integrity reserve study may recommend that reserves for replacement costs do not need to be maintained for any item with an estimated remaining useful life of greater than 25 years, but the study may recommend a deferred maintenance expense amount for such item. If the structural



946314

integrity reserve study recommends reserves for any item for which reserves are not required under this paragraph, the amount of the recommended reserves for such item must be separately identified in the structural integrity reserve study as an item for which reserves are not required under this paragraph.

c. The structural integrity reserve study must take into consideration the funding method or methods used by the association to fund its maintenance and reserve funding obligations through regular assessments, special assessments, lines of credit, or loans. If the structural integrity reserve study is performed before the association has approved a special assessment or secured a line of credit or a loan, the structural integrity reserve study must be updated to reflect the funding method selected by the association and its effect on the reserve funding schedule, including any anticipated change in the amount of regular assessments. The structural integrity reserve study may be updated to reflect any changes to the useful life of the reserve items after such items are repaired or replaced, and the effect such repair or replacement will have on the reserve funding schedule. The association must obtain an updated structural integrity reserve study before adopting any budget in which the reserve funding from regular assessments, special assessments, lines of credit, or loans does not align with the funding plan from the most recent version of the structural integrity reserve study.

5. This paragraph does not apply to buildings less than three stories in height; single-family, two-family, three-family, or four-family dwellings with three or fewer habitable stories above ground; any portion or component of a building



946314

that has not been submitted to the cooperative form of ownership; or any portion or component of a building that is maintained by a party other than the association.

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

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

8. 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



946314

inspection in order to allow the association to focus its financial resources on completing the repair and maintenance recommendations of the milestone inspection.

10. 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. 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. 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



946314

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 6. Subsections (2) and (8) of section 720.301, Florida Statutes, are amended to read:

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

(2) "Common area" means all real property within a community which is owned or leased by an association or dedicated for use or maintenance by the association or its members, including, regardless of whether title has been conveyed to the association:

(a) Real property the use of which is dedicated to the association or its members by a recorded plat; ~~or~~

(b) Real property committed by a declaration of covenants to be leased or conveyed to the association;

(c) Real property for which the developer or other owner of common areas has required, in the governing documents or otherwise, the association or its members to pay assessments or amenity fees for use or maintenance; or

(d) Recreational facilities and other properties serving the parcels which the governing documents allow the owner of a parcel to access, use, or enjoy as a benefit of parcel ownership.

(8) "Governing documents" means:

(a) The recorded declaration of covenants for a community and all duly adopted and recorded amendments, supplements, and recorded exhibits thereto; ~~and~~

(b) The articles of incorporation and bylaws of the



946314

homeowners' association and any duly adopted amendments thereto;
and

(c) All covenants running with the land which are binding
on the association or its members.

Section 7. Subsection (3) of section 720.302, Florida
Statutes, is amended to read:

720.302 Purposes, scope, and application.—

(3) This chapter does not apply to:

(a) A community that is composed of property primarily
intended for commercial, industrial, or other nonresidential
use; or

(b) The commercial or industrial parcels in a community
that contains both residential parcels and parcels intended for
commercial or industrial use, provided that this paragraph does
not affect the applicability of this chapter to any residential
parcel, common area, or the developer or other owner of a common
area.

Section 8. Paragraphs (a), (d) and (i) of subsection (5) of
section 720.303, Florida Statutes, are amended to read:

720.303 Association powers and duties; meetings of board;
official records; budgets; financial reporting; association
funds; recalls.—

(5) INSPECTION AND COPYING OF RECORDS.—

(a) The official records of the association are open to
inspection by any association member and any person authorized
by an association member as a representative of such member at
all reasonable times. Unless otherwise provided by law or the
governing documents of the association, the official records
must be maintained within this state for at least 7 years and be



946314

made available to a parcel owner for inspection or photocopying within 45 miles of the community or within the county in which the association is located within 10 business days after receipt by the board or its designee of a written request from the parcel owner. This subsection may be complied with by having a copy of the official records available for inspection or copying in the community or by making the records available to a parcel owner electronically via the Internet or by allowing the records to be viewed in electronic format on a computer screen and printed upon request. If the association has a photocopy machine available where the records are maintained, it must provide parcel owners with copies on request during the inspection if the entire request is limited to no more than 25 pages. An association shall allow a member or his or her authorized representative to use a portable device, including a smartphone, tablet, portable scanner, or any other technology capable of scanning or taking photographs, to make an electronic copy of the official records in lieu of the association's providing the member or his or her authorized representative with a copy of such records. The association may not charge a fee to a member or his or her authorized representative for the use of a portable device.

(d) Any director or member of the board or association or a community association manager who knowingly ~~and~~, willfully, ~~and~~ ~~repeatedly~~ violates paragraph (a), ~~with the intent of causing harm to the association or one or more of its members~~, commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. ~~For purposes of this paragraph, the term "repeatedly" means two or more violations within a 12-month~~



946314

~~period.~~

(i) 1. If an association receives a subpoena or written request for records from a law enforcement agency or prosecuting agency as defined in 112.531, the association must provide a copy of such records or otherwise make the records available for inspection and copying to a law enforcement agency or prosecuting agency within 5 business days after receipt of the subpoena, unless otherwise specified by the law enforcement agency, prosecuting agency, or subpoena. An association must assist a law enforcement agency in its investigation to the extent permissible by law.

2. A director or member of the board or association or a community association manager who willfully and knowingly fails to provide a copy of records to a law enforcement agency or prosecuting agency, or otherwise fails make the records available for inspection and copying, as required by subparagraph 1. commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 9. Subsection (1) of section 720.305, Florida Statutes, is amended to read:

720.305 Obligations of members; remedies at law or in equity; levy of fines and suspension of use rights.—

(1) Each member and the member's tenants, guests, and invitees, and each association, are governed by, and must comply with, this chapter, the governing documents of the community, and the rules of the association. Actions at law or in equity, or both, to redress alleged failure or refusal to comply with these provisions may be brought by the association or by any member against:



946314

- 707 (a) The association;
- 708 (b) A member;
- 709 (c) Any director or officer of an association who willfully
- 710 and knowingly fails to comply with these provisions; ~~and~~
- 711 (d) Any tenants, guests, or invitees occupying a parcel or
- 712 using the common areas; and
- 713 (e) The developer or other owner of a common area,
- 714 regardless of whether the developer or other owner of common
- 715 areas is a member of the association.
- 716

717 The prevailing party in any such litigation is entitled to

718 recover reasonable attorney fees and costs. A member prevailing

719 in an action between the association and the member under this

720 section, in addition to recovering his or her reasonable

721 attorney fees, may recover additional amounts as determined by

722 the court to be necessary to reimburse the member for his or her

723 share of assessments levied by the association to fund its

724 expenses of the litigation. This relief does not exclude other

725 remedies provided by law. This section does not deprive any

726 person of any other available right or remedy.

727 Section 10. Paragraphs (a), (k), and (t) of subsection (4)

728 of section 720.307, Florida Statutes, are amended to read:

729 720.307 Transition of association control in a community.—

730 With respect to homeowners' associations:

731 (4) At the time the members are entitled to elect at least

732 a majority of the board of directors of the homeowners'

733 association, the developer shall, at the developer's expense,

734 within no more than 90 days deliver the following documents to

735 the board:



946314

(a) All deeds to common areas ~~property~~ owned by the association and for any common area not already titled in the association's name, the developer or other owner of common areas shall convey title to the association.

(k) All tangible property for which ~~of~~ the association or its members, through assessments or other mandatory payments under the governing documents, are responsible for the cost of operation and maintenance.

(t) The financial records, including financial statements of the association and common areas, and source documents from the incorporation of the association through the date of turnover. The records shall be audited by an independent certified public accountant for the period from the incorporation of the association or from the period covered by the last audit, if an audit has been performed for each fiscal year since incorporation. All financial statements shall be prepared in accordance with generally accepted accounting principles and shall be audited in accordance with generally accepted auditing standards, as prescribed by the Board of Accountancy, pursuant to chapter 473. The certified public accountant performing the audit shall examine to the extent necessary supporting documents and records, including the cash disbursements and related paid invoices to determine if expenditures were for association purposes and the billings, cash receipts, and related records of the association to determine that the developer was charged and paid the proper amounts of assessments. This paragraph applies to associations with a date of incorporation after December 31, 2007.

Section 11. Paragraphs (d) and (e) are added to subsection



946314

(1) of section 720.3075, Florida Statutes, to read:

720.3075 Prohibited clauses in association documents.—

(1) It is declared that the public policy of this state prohibits the inclusion or enforcement of certain types of clauses in homeowners' association documents, including declaration of covenants, articles of incorporation, bylaws, or any other document of the association which binds members of the association, which either have the effect of or provide that:

(d) An association or its members are required to pay an assessment for mandatory membership in a club under the control and ownership of the developer or any person other than the association, and nonpayment of such mandatory fee is enforceable by the developer, or any person other than the association, by a lien on any individual parcel.

(e) An association or any of its members are prohibited or restricted from filing or prospectively waiving the ability to protest or seek any remedy for a violation of this chapter.

Such clauses are declared null and void as against the public policy of this state.

Section 12. Paragraph (e) is added to subsection (1) of section 720.308, Florida Statutes, to read:

720.308 Assessments and charges.—

(1) ASSESSMENTS.—For any community created after October 1, 1995, the governing documents must describe the manner in which expenses are shared and specify the member's proportional share thereof.

(e) Assessments payable to the developer or other owner of a common area may not exceed the member's proportional share of



946314

the expenses set forth in the annual budget approved by the
association.

Section 13. Section 720.3086, Florida Statutes, is amended
to read:

720.3086 Financial report.—In a residential subdivision in
which the owners of lots or parcels must pay mandatory
maintenance or amenity fees to the subdivision developer or to
the owners of the common areas, recreational facilities, and
other properties serving the lots or parcels, the developer or
owner of such areas, facilities, or properties shall make
public, within 60 days following the end of each fiscal year, a
complete financial report of the actual, total receipts of
mandatory maintenance or amenity fees received by it, and an
itemized listing of the expenditures made by it from such fees,
for that year. A financial report required by this section must
conform to the same type of financial statement that the
association serving the residential subdivision is required to
prepare or cause to be prepared under s. 720.303(7)(a). Such
report and a written notice that a copy of the financial report
is available upon request at no charge to the parcel owner shall
be made public by mailing it to each lot or parcel owner in the
subdivision, by publishing it in a publication regularly
distributed within the subdivision, and ~~or~~ by posting it in
prominent locations in the subdivision. This section does not
apply to amounts paid to homeowner associations pursuant to
chapter 617, chapter 718, chapter 719, chapter 721, or chapter
723, or to amounts paid to local governmental entities,
including special districts.

Section 14. This act shall take effect July 1, 2026.



946314

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

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled

An act relating to community associations; amending s.
718.103, F.S.; revising the definition of the term
"video conference"; amending s. 718.111, F.S.;
revising conditions that constitute a violation of
certain provisions related to certain records of the
condominium association; requiring an association to
provide copies of records of the condominium
association within a specified timeframe if the
association receives a subpoena from a law enforcement
agency or prosecuting agency; requiring the
association to assist law enforcement or prosecuting
agencies in their investigations; providing criminal
penalties; amending s. 718.112, F.S.; revising a
requirement that a developer, before turning over
control of a condominium association to its unit
owners, have a turnover inspection report for all
buildings on the condominium property, rather than
buildings that are three stories or higher in height;
revising the criteria for certain associations
requiring a structural integrity reserve study;
correcting a cross-reference; amending s. 718.128,
F.S.; revising how associations that have not adopted
electronic voting must receive electronically



946314

transmitted ballots; revising how a unit owner may
transmit his or her ballot; conforming provisions to
changes made by the act; amending s. 719.106, F.S.;
revising a requirement that a developer, before
turning over control of a cooperative association to
unit owners, have a turnover inspection report for all
buildings on the cooperative property, rather than
buildings that are three stories or higher in height;
revising the criteria for certain associations
requiring a structural integrity reserve study;
amending s. 720.301, F.S.; revising the definition for
the terms "common area" and "governing documents";
amending s. 720.302, F.S.; revising applicability;
amending s. 720.303, F.S.; providing that the official
records of a homeowners' association are open to
inspection by certain persons at all reasonable times;
revising conditions that constitute a violation of
certain provisions related to certain records of the
homeowners' association; deleting the definition of
the term "repeatedly"; revising a requirement for an
association to provide copies of certain records
within a specified timeframe if receives a written
request for such records from a law enforcement agency
or prosecuting agency; providing criminal penalties;
amending s. 720.305, F.S.; revising the parties who an
action may bring against an action at law or equity
for noncompliance with ch. 720, F.S.; amending s.
720.307, F.S.; revising the documents a developer must
deliver to the homeowners' association board of



946314

directors within a specified timeframe during the transition of association control from the developer to the board; amending s. 720.3075, F.S.; revising the types of prohibited clauses in homeowners' associations documents; amending s. 720.308, F.S.; prohibiting assessments payable to the developer or the owner of a common area from exceeding the member's proportional share of the expenses set forth in the annual budget approved by the association; amending s. 720.3086, F.S.; requiring the financial reports that a developer or an owner of certain residential subdivisions must prepare and make public to conform to the same financial reports required by an association that serves the residential subdivision; requiring that the report be made available upon request at no charge; revising the manner in which the report must be delivered to each lot or parcel owner; providing an effective date.