



LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/03/2026	.	
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The Committee on Regulated Industries (Bradley) recommended the following:

1 **Senate Amendment (with title amendment)**

2
3 Delete everything after the enacting clause
4 and insert:

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

7 718.103 Definitions.—As used in this chapter, the term:

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



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

19 Section 2. Paragraph (c) of subsection (12) of section
20 718.111, Florida Statutes, is amended to read:

21 718.111 The association.—

22 (12) OFFICIAL RECORDS.—

23 (c)1.a. The official records of the association are open to
24 inspection by any association member and any person authorized
25 by an association member as a representative of such member at
26 all reasonable times. The right to inspect the records includes
27 the right to make or obtain copies, at the reasonable expense,
28 if any, of the member and of the person authorized by the
29 association member as a representative of such member. A renter
30 of a unit has a right to inspect and copy only the declaration
31 of condominium, the association's bylaws and rules, and the
32 inspection reports described in ss. 553.899 and 718.301(4) (p).
33 The association may adopt reasonable rules regarding the
34 frequency, time, location, notice, and manner of record
35 inspections and copying but may not require a member to
36 demonstrate any purpose or state any reason for the inspection.
37 The failure of an association to provide the records within 10
38 working days after receipt of a written request creates a
39 rebuttable presumption that the association willfully failed to



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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.



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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



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

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

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

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



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127 indicate the compensation paid to an association employee.

128 d. Medical records of unit owners.

129 e. Social security numbers, driver license numbers, credit

130 card numbers, e-mail addresses, telephone numbers, facsimile

131 numbers, emergency contact information, addresses of a unit

132 owner other than as provided to fulfill the association's notice

133 requirements, and other personal identifying information of any

134 person, excluding the person's name, unit designation, mailing

135 address, property address, and any address, e-mail address, or

136 facsimile number provided to the association to fulfill the

137 association's notice requirements. Notwithstanding the

138 restrictions in this sub-subparagraph, an association may print

139 and distribute to unit owners a directory containing the name,

140 unit address, and all telephone numbers of each unit owner.

141 However, an owner may exclude his or her telephone numbers from

142 the directory by so requesting in writing to the association. An

143 owner may consent in writing to the disclosure of other contact

144 information described in this sub-subparagraph. The association

145 is not liable for the inadvertent disclosure of information that

146 is protected under this sub-subparagraph if the information is

147 included in an official record of the association and is

148 voluntarily provided by an owner and not requested by the

149 association.

150 f. Electronic security measures that are used by the

151 association to safeguard data, including passwords.

152 g. The software and operating system used by the

153 association which allow the manipulation of data, even if the

154 owner owns a copy of the same software used by the association.

155 The data is part of the official records of the association.



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156 h. All affirmative acknowledgments made pursuant to s.
157 718.121(4)(c).

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

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

175 Section 3. Paragraph (g) of subsection (2) of section
176 718.112, Florida Statutes, is amended to read:

177 718.112 Bylaws.—

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

181 (g) *Structural integrity reserve study.*—

182 1. A residential condominium association must have a
183 structural integrity reserve study completed at least every 10
184 years after the condominium's creation for each building on the



185 condominium property that is three habitable stories or higher
186 in height, as determined by the Florida Building Code, which
187 includes, at a minimum, a study of the following items as
188 related to the structural integrity and safety of the building:
189 a. Roof.
190 b. Structure, including load-bearing walls and other
191 primary structural members and primary structural systems as
192 those terms are defined in s. 627.706.
193 c. Fireproofing and fire protection systems.
194 d. Plumbing.
195 e. Electrical systems.
196 f. Waterproofing and exterior painting.
197 g. Windows and exterior doors.
198 h. Any other item that has a deferred maintenance expense
199 or replacement cost that exceeds \$25,000 or the inflation-
200 adjusted amount determined by the division under subparagraph
201 (f) 6., whichever is greater, and the failure to replace or
202 maintain such item negatively affects the items listed in sub-
203 subparagraphs a.-g., as determined by the visual inspection
204 portion of the structural integrity reserve study.
205 2. A structural integrity reserve study is based on a
206 visual inspection of the condominium property.
207 3.a. A structural integrity reserve study, including the
208 visual inspection portion of the structural integrity reserve
209 study, must be performed or verified by an engineer licensed
210 under chapter 471, an architect licensed under chapter 481, or a
211 person certified as a reserve specialist or professional reserve
212 analyst by the Community Associations Institute or the
213 Association of Professional Reserve Analysts.



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214 b. Any design professional as defined in s. 558.002 or any
215 contractor licensed under chapter 489 who bids to perform a
216 structural integrity reserve study must disclose in writing to
217 the association his or her intent to bid on any services related
218 to any maintenance, repair, or replacement that may be
219 recommended by the structural integrity reserve study. Any
220 design professional as defined in s. 558.002 or contractor
221 licensed under chapter 489 who submits a bid to the association
222 for performing any services recommended by the structural
223 integrity reserve study may not have an interest, directly or
224 indirectly, in the firm or entity providing the association's
225 structural integrity reserve study or be a relative of any
226 person having a direct or indirect interest in such firm, unless
227 such relationship is disclosed to the association in writing. As
228 used in this section, the term "relative" means a relative
229 within the third degree of consanguinity by blood or marriage. A
230 contract for services is voidable and terminates upon the
231 association filing a written notice terminating the contract if
232 the design professional or licensed contractor failed to provide
233 the written disclosure of the interests or relationships
234 required under this paragraph. A design professional or licensed
235 contractor may be subject to discipline under the applicable
236 practice act for his or her profession for failure to provide
237 the written disclosure of the interests or relationships
238 required under this paragraph.

239 4.a. At a minimum, a structural integrity reserve study
240 must identify each item of the condominium property being
241 visually inspected, state the estimated remaining useful life
242 and the estimated replacement cost or deferred maintenance



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

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



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

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

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



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

304 7. Associations existing on or before July 1, 2022, which
305 are controlled by unit owners other than the developer, must
306 have a structural integrity reserve study completed by December
307 31, 2025, for each building on the condominium property that is
308 three habitable stories or higher in height. An association that
309 is required to complete a milestone inspection in accordance
310 with s. 553.899 on or before December 31, 2026, may complete the
311 structural integrity reserve study simultaneously with the
312 milestone inspection. In no event may the structural integrity
313 reserve study be completed after December 31, 2026.

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

320 9. If the association completes a milestone inspection
321 required by s. 553.899, or an inspection completed for a similar
322 local requirement, the association may delay performance of a
323 required structural integrity reserve study for no more than the
324 2 consecutive budget years immediately following the milestone
325 inspection in order to allow the association to focus its
326 financial resources on completing the repair and maintenance
327 recommendations of the milestone inspection.

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



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330 reserve study pursuant to this paragraph, such failure is a
331 breach of an officer's or a director's fiduciary relationship to
332 the unit owners under s. 718.111(1). An officer or a director of
333 an association must sign an affidavit acknowledging receipt of
334 the completed structural integrity reserve study.

335 11. Within 45 days after receiving the structural integrity
336 reserve study, the association must distribute a copy of the
337 study to each unit owner or deliver to each unit owner a notice
338 that the completed study is available for inspection and copying
339 upon a written request. Distribution of a copy of the study or
340 notice must be made by United States mail or personal delivery
341 to the mailing address, property address, or any other address
342 of the owner provided to fulfill the association's notice
343 requirements under this chapter, or by electronic transmission
344 to the e-mail address or facsimile number provided to fulfill
345 the association's notice requirements to unit owners who
346 previously consented to receive notice by electronic
347 transmission.

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

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

358 Section 4. Subsection (7) of section 718.128, Florida



359 Statutes, is amended to read:

360 718.128 Electronic voting.—The association may conduct
361 elections and other unit owner votes through an Internet-based
362 online voting system if a unit owner consents, electronically or
363 in writing, to online voting and if the following requirements
364 are met:

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

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

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

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

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



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

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

402 (d) A unit owner must transmit his or her completed ballot
403 to the e-mail address, independent website, application, or
404 Internet web portal designated by the association no later than
405 the scheduled date and time of the meeting during which the
406 matter is being voted on.

407 (e) There is a rebuttable presumption that an association
408 has reviewed all folders associated with the e-mail address,
409 independent website, application, or Internet web portal
410 designated by the association to receive ballots if a board
411 member, an officer, or an agent of the association, or a manager
412 licensed under part VIII of chapter 468, provides a sworn
413 affidavit attesting to such review.

414 Section 5. Paragraph (k) of subsection (1) of section
415 719.106, Florida Statutes, is amended to read:

416 719.106 Bylaws; cooperative ownership.—



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

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

421 1. A residential cooperative association must have a
422 structural integrity reserve study completed at least every 10
423 years for each building on the cooperative property that is
424 three habitable stories or higher in height, as determined by
425 the Florida Building Code, that includes, at a minimum, a study
426 of the following items as related to the structural integrity
427 and safety of the building:

428 a. Roof.

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

432 c. Fireproofing and fire protection systems.

433 d. Plumbing.

434 e. Electrical systems.

435 f. Waterproofing and exterior painting.

436 g. Windows and exterior doors.

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

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



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446 3.a. A structural integrity reserve study, including the
447 visual inspection portion of the structural integrity reserve
448 study, must be performed or verified by an engineer licensed
449 under chapter 471, an architect licensed under chapter 481, or a
450 person certified as a reserve specialist or professional reserve
451 analyst by the Community Associations Institute or the
452 Association of Professional Reserve Analysts.

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



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

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

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



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

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

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



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

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

541 7. Associations existing on or before July 1, 2022, which
542 are controlled by unit owners other than the developer, must
543 have a structural integrity reserve study completed by December
544 31, 2024, for each building on the cooperative property that is
545 three habitable stories or higher in height. An association that
546 is required to complete a milestone inspection on or before
547 December 31, 2026, in accordance with s. 553.899 may complete
548 the structural integrity reserve study simultaneously with the
549 milestone inspection. In no event may the structural integrity
550 reserve study be completed after December 31, 2026.

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

557 9. If the association completes a milestone inspection
558 required by s. 553.899, or an inspection completed for a similar
559 local requirement, the association may delay performance of a
560 required structural integrity reserve study for no more than the
561 2 consecutive budget years immediately following the milestone



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

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

572 11. Within 45 days after receiving the structural integrity
573 reserve study, the association must distribute a copy of the
574 study to each unit owner or deliver to each unit owner a notice
575 that the completed study is available for inspection and copying
576 upon a written request. Distribution of a copy of the study or
577 notice must be made by United States mail or personal delivery
578 at the mailing address, property address, or any other address
579 of the owner provided to fulfill the association's notice
580 requirements under this chapter, or by electronic transmission
581 to the e-mail address or facsimile number provided to fulfill
582 the association's notice requirements to unit owners who
583 previously consented to receive notice by electronic
584 transmission.

585 12. Within 45 days after receiving the structural integrity
586 reserve study, the association must provide the division with a
587 statement indicating that the study was completed and that the
588 association provided or made available such study to each unit
589 owner in accordance with this section. Such statement must be
590 provided to the division in the manner established by the



591 division using a form posted on the division's website.

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

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

597 720.301 Definitions.—As used in this chapter, the term:

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

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

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

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

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

615 (8) "Governing documents" means:

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

619 (b) The articles of incorporation and bylaws of the



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620 homeowners' association and any duly adopted amendments thereto;
621 and

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

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

626 720.302 Purposes, scope, and application.—

627 (3) This chapter does not apply to:

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

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

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

639 720.303 Association powers and duties; meetings of board;
640 official records; budgets; financial reporting; association
641 funds; recalls.—

642 (5) INSPECTION AND COPYING OF RECORDS.—

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



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

671 (d) Any director or member of the board or association or a
672 community association manager who knowingly and, willfully, and
673 repeatedly violates paragraph (a), ~~with the intent of causing~~
674 ~~harm to the association or one or more of its members,~~ commits a
675 misdemeanor of the second degree, punishable as provided in s.
676 775.082 or s. 775.083. For purposes of this paragraph, the term
677 "repeatedly" means two or more violations within a 12-month



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678 period.

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

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

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

698 720.305 Obligations of members; remedies at law or in
699 equity; levy of fines and suspension of use rights.—

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



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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.

The prevailing party in any such litigation is entitled to recover reasonable attorney fees and costs. A member prevailing in an action between the association and the member under this section, in addition to recovering his or her reasonable attorney fees, may recover additional amounts as determined by the court to be necessary to reimburse the member for his or her share of assessments levied by the association to fund its expenses of the litigation. This relief does not exclude other remedies provided by law. This section does not deprive any 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:



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

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

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

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



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

766 720.3075 Prohibited clauses in association documents.—

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

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

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

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

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

786 720.308 Assessments and charges.—

787 (1) ASSESSMENTS.—For any community created after October 1,
788 1995, the governing documents must describe the manner in which
789 expenses are shared and specify the member's proportional share
790 thereof.

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



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

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

798 720.3086 Financial report.—In a residential subdivision in
799 which the owners of lots or parcels must pay mandatory
800 maintenance or amenity fees to the subdivision developer or to
801 the owners of the common areas, recreational facilities, and
802 other properties serving the lots or parcels, the developer or
803 owner of such areas, facilities, or properties shall make
804 public, within 60 days following the end of each fiscal year, a
805 complete financial report of the actual, total receipts of
806 mandatory maintenance or amenity fees received by it, and an
807 itemized listing of the expenditures made by it from such fees,
808 for that year. A financial report required by this section must
809 conform to the same type of financial statement that the
810 association serving the residential subdivision is required to
811 prepare or cause to be prepared under s. 720.303(7)(a). Such
812 report and a written notice that a copy of the financial report
813 is available upon request at no charge to the parcel owner shall
814 be made public by mailing it to each lot or parcel owner in the
815 subdivision, by publishing it in a publication regularly
816 distributed within the subdivision, and or by posting it in
817 prominent locations in the subdivision. This section does not
818 apply to amounts paid to homeowner associations pursuant to
819 chapter 617, chapter 718, chapter 719, chapter 721, or chapter
820 723, or to amounts paid to local governmental entities,
821 including special districts.

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



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823
824 ===== T I T L E A M E N D M E N T =====

825 And the title is amended as follows:

826 Delete everything before the enacting clause
827 and insert:

828 A bill to be entitled

829 An act relating to community associations; amending s.
830 718.103, F.S.; revising the definition of the term
831 "video conference"; amending s. 718.111, F.S.;
832 revising conditions that constitute a violation of
833 certain provisions related to certain records of the
834 condominium association; requiring an association to
835 provide copies of records of the condominium
836 association within a specified timeframe if the
837 association receives a subpoena from a law enforcement
838 agency or prosecuting agency; requiring the
839 association to assist law enforcement or prosecuting
840 agencies in their investigations; providing criminal
841 penalties; amending s. 718.112, F.S.; revising a
842 requirement that a developer, before turning over
843 control of a condominium association to its unit
844 owners, have a turnover inspection report for all
845 buildings on the condominium property, rather than
846 buildings that are three stories or higher in height;
847 revising the criteria for certain associations
848 requiring a structural integrity reserve study;
849 correcting a cross-reference; amending s. 718.128,
850 F.S.; revising how associations that have not adopted
851 electronic voting must receive electronically



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852 transmitted ballots; revising how a unit owner may
853 transmit his or her ballot; conforming provisions to
854 changes made by the act; amending s. 719.106, F.S.;
855 revising a requirement that a developer, before
856 turning over control of a cooperative association to
857 unit owners, have a turnover inspection report for all
858 buildings on the cooperative property, rather than
859 buildings that are three stories or higher in height;
860 revising the criteria for certain associations
861 requiring a structural integrity reserve study;
862 amending s. 720.301, F.S.; revising the definition for
863 the terms "common area" and "governing documents";
864 amending s. 720.302, F.S.; revising applicability;
865 amending s. 720.303, F.S.; providing that the official
866 records of a homeowners' association are open to
867 inspection by certain persons at all reasonable times;
868 revising conditions that constitute a violation of
869 certain provisions related to certain records of the
870 homeowners' association; deleting the definition of
871 the term "repeatedly"; revising a requirement for an
872 association to provide copies of certain records
873 within a specified timeframe if receives a written
874 request for such records from a law enforcement agency
875 or prosecuting agency; providing criminal penalties;
876 amending s. 720.305, F.S.; revising the parties who an
877 action may bring against an action at law or equity
878 for noncompliance with ch. 720, F.S.; amending s.
879 720.307, F.S.; revising the documents a developer must
880 deliver to the homeowners' association board of



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881 directors within a specified timeframe during the
882 transition of association control from the developer
883 to the board; amending s. 720.3075, F.S.; revising the
884 types of prohibited clauses in homeowners'
885 associations documents; amending s. 720.308, F.S.;
886 prohibiting assessments payable to the developer or
887 the owner of a common area from exceeding the member's
888 proportional share of the expenses set forth in the
889 annual budget approved by the association; amending s.
890 720.3086, F.S.; requiring the financial reports that a
891 developer or an owner of certain residential
892 subdivisions must prepare and make public to conform
893 to the same financial reports required by an
894 association that serves the residential subdivision;
895 requiring that the report be made available upon
896 request at no charge; revising the manner in which the
897 report must be delivered to each lot or parcel owner;
898 providing an effective date.