

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Regulated Industries

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BILL: SB 1498  
INTRODUCER: Senator Bradley  
SUBJECT: Community Associations  
DATE: February 2, 2026      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Oxamendi</u>	<u>Imhof</u>	<u>RI</u>	<u>Pre-meeting</u>
2.	_____	_____	<u>AEG</u>	_____
3.	_____	_____	<u>RC</u>	_____

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**I. Summary:**

SB 1498 revises the definition of the term “video conference” to provide that only condominium association meetings that are open to the unit owners must be recorded if conducted by video conference and maintained as an official record of the association. Current law requires all meetings that are conducted by video conference to be recorded and maintained as an official record of the association.

Generally, a structural integrity reserve study (SIRS) is a study of specified components in a building for the purpose of determining the components’ estimated useful life and the amount of funds that should be reserved for future maintenance or replacement components. A SIRS is required for condominium or cooperative buildings that are three or more habitable stories in height. Under current law, the developer of a condominium or cooperative must prepare a turnover inspection report consisting of a SIRS before non-developer unit owners assume control of the majority of the members of the board of the association.

The bill revises the turnover inspection report requirements for condominiums and cooperatives to delete a building height requirement of three or more stories in height for turnover inspection reports. The bill conforms the SIRS and the turnover inspection requirements by deleting the reference to building height because the turnover inspection requirements apply to all buildings on the condominium or cooperative property, as applicable, regardless of the height of the buildings.

The bill also revises the provisions requiring condominium and cooperative associations existing on or before July 1, 2022, that are controlled by non-developer unit owners, to have a SIRS completed by December 31, 2026, for each building on the condominium or cooperative property that is three stories or higher in height. The bill revises these provisions to conform to the SIRS requirements which apply to buildings that are “three habitable stories or higher in height.”

Relating to electronic voting in condominium associations, the bill revises the provisions authorizing the delivery of ballots by email, to further provide that the electronic voting provisions apply to voting by email, independent website, application, or Internet web portal. The bill makes conforming changes throughout statute regulating electronic voting in condominium associations.

The bill takes effect July 1, 2026.

## II. Present Situation:

### Condominium and Cooperative Associations

#### *Chapters 718 and 719, F.S.*

Chapter 718, F.S., relating to condominiums, and ch. 719, F.S., relating to cooperatives, provide for the governance of these community associations. The chapters delineate requirements for notices of meetings,<sup>1</sup> recordkeeping requirements, including which records are accessible to the members of the association,<sup>2</sup> and financial reporting.<sup>3</sup> Timeshare condominiums are generally governed by ch. 721, F.S., the “Florida Vacation Plan and Timesharing Act.”

The Division of Florida Condominiums, Timeshares, and Mobile Homes (division) within the Department of Business and Professional Regulation (DBPR or department) administers the provisions of chs. 718 and 719, F.S., for condominium and cooperative associations, respectively.

#### *Condominiums*

A condominium is a “form of ownership of real property created under ch. 718, F.S.”<sup>4</sup> the “Condominium Act.” Condominium unit owners are in a unique legal position because they are exclusive owners of property within a community, joint owners of community common elements, and members of the condominium association.<sup>5</sup> For unit owners, membership in the association is an unalienable right and required condition of unit ownership.<sup>6</sup>

A condominium association is administered by a board of directors referred to as a “board of administration.”<sup>7</sup> The board of administration is comprised of individual unit owners elected by the members of a community to manage community affairs and represent the interests of the association. Association board members must enforce a community's governing documents and are responsible for maintaining a condominium's common elements which are owned in undivided shares by unit owners.<sup>8</sup>

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<sup>1</sup> See ss. 718.112(2) and 719.106(2)(c), F.S., for condominium and cooperative associations, respectively.

<sup>2</sup> See ss. 718.111(12) and 719.104(2), F.S., for condominium and cooperative associations, respectively.

<sup>3</sup> See ss. 718.111(13) and 719.104(4), F.S., for condominium and cooperative associations, respectively.

<sup>4</sup> Section 718.103(11), F.S.

<sup>5</sup> See s. 718.103, F.S., for the terms used in the Condominium Act.

<sup>6</sup> *Id.*

<sup>7</sup> Section 718.103(4), F.S.

<sup>8</sup> Section 718.103(2), F.S.

### ***Cooperatives***

Section 719.103(12), F.S., defines a “cooperative” to mean:

[T]hat form of ownership of real property wherein legal title is vested in a corporation or other entity and the beneficial use is evidenced by an ownership interest in the association and a lease or other muniment of title or possession granted by the association as the owner of all the cooperative property.

A cooperative differs from a condominium because, in a cooperative, no unit is individually owned. Instead, a cooperative owner receives an exclusive right to occupy the unit based on their ownership interest in the cooperative entity as a whole. A cooperative owner is either a stockholder or member of a cooperative apartment corporation who is entitled, solely by reason of ownership of stock or membership in the corporation, to occupy an apartment in a building owned by the corporation.<sup>9</sup> The cooperative holds the legal title to the unit and all common elements. The cooperative association may assess costs for the maintenance of common expenses.<sup>10</sup>

### **Milestone Inspections**

Section 553.899, F.S., requires residential condominium and cooperative buildings that are three habitable stories or more in height, as determined by the Florida Building Code, to have a milestone inspection by December 31 of the year in which the building reaches 30 years of age. However, if a building reaches 30 years of age before July 1, 2022, the initial milestone inspection must be performed before December 31, 2024. If a building reaches 30 years of age on or after July 1, 2022, and before December 31, 2024, the building’s milestone inspection must be performed before December 31, 2025. The local enforcement agency<sup>11</sup> will provide written notice of the required inspection to the association.<sup>12</sup>

Local enforcement agencies that are responsible with enforcing the milestone inspection requirements may set a 25-year inspection requirement if justified by local environmental conditions, including proximity to seawater.<sup>13</sup> Local enforcement agencies may also extend the inspection deadline for a building upon a petition showing good cause that the owner or owners of the buildings have entered into a contract with an architect or engineer to perform the milestone inspection services and the milestone inspection cannot reasonably be completed before the deadline.<sup>14</sup>

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<sup>9</sup> See *Walters v. Agency for Health Care Administration*, 288 So.3d 1215 (Fla. 3d DCA 2019), review dismissed 2020 WL 3442763 (Fla. 2020).

<sup>10</sup> See ss. 719.106(1)(g) and 719.107, F.S.

<sup>11</sup> Section 553.71(5), F.S., defines the term “local enforcement agency” to mean “an agency of local government, a local school board, a community college board of trustees, or a university board of trustees in the State University System with jurisdiction to make inspections of buildings and to enforce the codes which establish standards for design, construction, erection, alteration, repair, modification, or demolition of public or private buildings, structures, or facilities.”

<sup>12</sup> Section 553.899(3), F.S.

<sup>13</sup> Section 553.899(3)(b), F.S.

<sup>14</sup> Section 553.899(3)(c), F.S.

Single-family, two-family, three-family, and four-family dwellings with three or fewer stories above ground are exempt from the milestone inspection requirements.

The milestone inspection requirement applies to buildings that in whole or in part are subject to the condominium or cooperative forms of ownership, such as mixed-ownership buildings. Consequently, all owners of a mixed-ownership building in which portions of the building are subject to the condominium or cooperative form of ownership are responsible for ensuring compliance and must share the costs of the inspection.

The purpose of a milestone inspection is to determine the life safety and adequacy of the structural components of the building and, to the extent reasonably possible, determine the general structural condition of the building as it affects the safety of such building, including a determination of any necessary maintenance, repair, or replacement of any structural component of the building.<sup>15</sup> The purpose of such inspection is not to determine if the condition of an existing building is in compliance with the Florida Building Code or the firesafety code.<sup>16</sup> The milestone inspection services may be provided by a team of professionals with an architect or engineer acting as a registered design professional in responsible charge with all work and reports signed and sealed by the appropriate qualified team member.<sup>17</sup>

In addition, s. 553.899, F.S.:

- Requires that a phase one milestone inspection must commence within 180 days after an association receives a written notice from the local enforcement agency.
- Requires that a phase two milestone inspection must be performed if any substantial deterioration is identified during phase one.<sup>18</sup>
- Provides the minimum contents of a milestone inspection report.
- Requires inspection report results to be provided to local building officials and the affected association.
- Requires that the contract between an association that is subject to the milestone inspection requirement and a community association manager (CAM) or CAM firm must require compliance with those requirements as directed by the board.
- Requires the local enforcement agency to review and determine if a building is safe for human occupancy if an association fails to submit proof that repairs for substantial deterioration have been scheduled or begun within at least 365 days after the local enforcement agency receives a phase two inspection report.

Within 45 days after receiving a milestone inspection report, the condominium or cooperative association must distribute a copy of an inspector-prepared summary of the inspection report to each condominium unit owner or cooperative unit owner. The inspector-prepared summary must be provided to unit owners, regardless of the findings or recommendations in the report, by

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<sup>15</sup> Section 553.899(2)(a), F.S.

<sup>16</sup> *Id.*

<sup>17</sup> *Id.*

<sup>18</sup> Section 553.899(2)(b), F.S., defines “substantial structural deterioration” to mean “substantial structural distress or substantial structural weakness that negatively affects a building’s general structural condition and integrity. The term does not include surface imperfections such as cracks, distortion, sagging, deflections, misalignment, signs of leakage, or peeling of finishes unless the licensed engineer or architect performing the phase one or phase two inspection determines that such surface imperfections are a sign of substantial structural deterioration.”

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 ch. 718, F.S., or ch. 719, F.S., as applicable, and 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. The association must also post a copy of the inspector-prepared summary in a conspicuous place on the condominium or cooperative property and must publish the full report and inspector-prepared summary on the association's website, if the association is required to have a website.

### **Videoconferences and Condominium Association Meetings**

Section 718.112, F.S., provides for the conduct of meetings of the board of administration, committee meetings, meetings of the unit owners, and budget meetings.

Section 718.103(33), F.S., defines the term “videoconference” to mean 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 any meeting that 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 must be recorded, and such recording must be maintained as an official record of the association.

Section 718.112(2)(b)5., F.S., provides that a board or committee member's participation in a meeting via telephone, real-time videoconferencing, or similar real-time electronic or video communication counts toward a quorum, and such member may vote as if physically present. Associations must use a speaker so that the conversation of members may be heard by the board or committee members attending in person as well as by any unit owners present at a meeting.

Section 718.112(2)(c), F.S., relating to meetings of the board of administration, and s. 718.112(2)(d), F.S., relating to unit owner meetings, require, if the meeting is to be conducted via videoconference, the notice of the meeting to:

- State that such meeting will be via videoconference; and
- Include a hyperlink and a conference telephone number for unit owners to attend the meeting via videoconference, as well as the address of the physical location where the unit owners can attend the meeting in-person.

Additionally, these sections also provide that, if the meeting is conducted via videoconference, the meeting must be recorded and the recording maintained as an official record.

### **Reserves and Structural Integrity Reserve Studies – Condominiums and Cooperatives**

#### ***Budgets and Reserves***

In addition to annual operating expenses, the budget must include reserve accounts for capital expenditures and deferred maintenance. Reserve accounts must include, but not be limited to, roof replacement, building painting, and pavement resurfacing, regardless of the amount of deferred maintenance expense or replacement cost, and any other item that has a deferred

maintenance expense or replacement cost that exceeds \$25,000 or the inflation-adjusted amount annually determined by the division.<sup>19</sup>

The amount to be reserved must be computed using a formula based upon the estimated remaining useful life and estimated replacement cost or deferred maintenance expense of each reserve item. Replacement reserve assessments may be adjusted annually to take into account any changes in estimates or extension of the useful life of a reserve item caused by deferred maintenance.<sup>20</sup>

Members of unit-owner-controlled associations may waive reserves upon a majority vote of the total voting interests of the association. However, for a budget adopted on or after December 31, 2024, unit-owner-controlled condominium and cooperative associations that must obtain a structural integrity reserve study (SIRS) may not waive reserves. Associations that are required to obtain a SIRS also may not opt to provide less reserves or no reserves than are required for the structural integrity items. Those reserves may not be used for any other purpose than their intended purpose.<sup>21</sup>

A SIRS is a study of the reserve funds required for future major repairs and replacement of the common elements based on a visual inspection. A SIRS is required for condominium buildings that are three or more stories in height.<sup>22</sup>

Before turnover of control to the unit owners, ss. 718.301(4)(p) and 719.301(4)(p), F.S., require the developer to perform a turnover inspection performed by a licensed professional engineer or architect, or a reserve specialist or professional reserve analyst certified by the Community Associations Institute or the Association of Professional Reserve Analysts. These provisions apply to all condominium buildings regardless of when the certificate of occupancy was issued or the height of the building.

However, the SIRS requirement in ss. 718.112(2)(g)6. and 719.106(1)(k)6., F.S., reference a contradictory requirement for a turnover SIRS under ss. 718.301(4)(p) and 719.301(4)(p), F.S., for “each building on the condominium property that is three stories or higher in height.”

### ***Structural Integrity Reserve Studies***

Regarding the funding of reserves for the continued maintenance and repair of condominium and cooperative buildings, ss. 718.112(2)(f) and 719.106(1)(j), F.S., relating to condominium and cooperative associations, respectively, associations that are required to have a SIRS may not waive reserves for the SIRS items or use such reserves for other purposes.

Sections 718.112(2)(g) and 719.106(1)(k), F.S., relating to condominium and cooperative associations, respectively:

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<sup>19</sup> See s. 718.112(2)(f) and 719.106(1)(j), F.S., relating to reserves requirements for condominium and cooperative associations, respectively.

<sup>20</sup> *Id.*

<sup>21</sup> Sections 718.112(2)(f) and 719.106(1)(j), F.S., relating to condominium and cooperative associations, respectively.

<sup>22</sup> See ss. 718.112(2)(g) and 719.106(1)(k), F.S., relating to SIRS requirements for condominium and cooperative associations, respectively.

- Require condominium associations and cooperative associations to complete a structural integrity reserve study every 10 years for each building in an association that is three habitable stories or higher in height, as determined by the Florida Building Code.
- Require condominium and cooperative associations existing on or before July 1, 2022, that are controlled by non-developer unit owners, to have a SIRS completed by December 31, 2026, for each building on the condominium property that is three stories or higher in height. An association that completes a milestone inspection by December 31, 2026, may complete the SIRS at the same time.
  - This provision is inconsistent with the other SIRS provisions in ss. 718.112(2)(g) and 719.106(1)(k), F.S., relating to condominium and cooperative associations, respectively, which apply the SIRS requirements to each building on the condominium or cooperative property that is three habitable stories or higher in height.
- Require that the study include a visual inspection and state the estimated remaining useful life and the estimated replacement cost of the following items (structural integrity items): roof, structure, fireproofing and fire protection systems, plumbing, electrical systems, waterproofing, windows and exterior doors, and any item with a deferred maintenance or replacement cost that exceeds \$10,000.
- Require the visual inspection be performed or verified by a person licensed as an engineer, an architect, reserve specialist, or professional reserve analyst certified by the Community Associations Institute or the Association of Professional Reserve Analysts. However, any qualified person or entity may perform the other components of a SIRS.
- Provide that the SIRS 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 or deferred maintenance expense cannot be determined or for which the estimate of useful life is greater than 25 years, but the study may recommend a deferred maintenance amount for such items.
- Exempt from the SIRS requirement are:
  - 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; and
  - Any portion or component of a building that has not been submitted to the condominium or cooperative form of ownership; or any portion or component of a building that is maintained by a party other than the condominium or cooperative association.

Within 45 days of completion of a SIRS, condominium and cooperative associations must provide unit owners with a notice that the study is available for inspection and copying. The notice may be provided electronically.<sup>23</sup>

### ***Turnover Inspection Reports***

Section 718.112(2)(g)6., F.S., provides that a condominium developer must have a turnover inspection report in compliance with ss. 718.301(4)(p) and (q), F.S., which consists of a SIRS for each building on the condominium property that is three stories or higher in height. Section 719.106(1)(k)6., F.S., provides an identical SIRS requirement in cooperative associations.

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<sup>23</sup> Sections 718.112(2)(g)10. and 719.106(1)(k)10., F.S., relating to condominium and cooperative associations, respectively.

However, under ss. 718.301(4)(p) and (q), F.S., the SIRS requirements for a turnover inspection apply to all buildings on the condominium property regardless of the height of the buildings. Sections 719.301(4)(p) and (q), F.S., provide an identical provision for turnover inspection by developers of cooperative associations.

### **Electronic Voting**

Section 718.128, F.S., allows condominium associations to 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. To conduct online voting, an association must:

- Provide each unit owner with a method to authenticate the unit owner's identity to the online voting system.
- For elections of the board, provide a method to transmit an electronic ballot to the online voting system that ensures the secrecy and integrity of each ballot.
- Provide a method to confirm, at least 14 days before the voting deadline, that the unit owner's electronic device can successfully communicate with the online voting system.

The online voting method used by an association must be:

- Able to authenticate the unit owner's identity.
- Able to authenticate the validity of each electronic vote to ensure that the vote is not altered in transit.
- Able to transmit a receipt from the online voting system to each unit owner who casts an electronic vote.
- For elections of the board of administration, able to permanently separate any authentication or identifying information from the electronic election ballot, rendering it impossible to tie an election ballot to a specific unit owner.
- Able to store and keep electronic votes accessible to election officials for recount, inspection, and review purposes.

If a unit owner votes electronically, they must be counted as being in attendance at the meeting for purposes of determining a quorum.<sup>24</sup>

If the board authorizes online voting, the board must honor a unit owner's request to vote electronically at all subsequent elections, unless such unit owner opts out of online voting. Association boards must establish reasonable procedures and deadlines for unit owners to consent, electronically or in writing, to online voting, and must establish reasonable procedures and deadlines for unit owners to opt out of online voting after giving consent.<sup>25</sup>

Associations that authorize online voting must honor a unit owner's request to vote electronically at all subsequent elections, unless such unit owner opts out of online voting. The board resolution to authorize online voting must provide that unit owners receive notice of the opportunity to vote through an online voting system, must establish reasonable procedures and deadlines for unit owners to consent, electronically or in writing, to online voting, and must establish reasonable procedures and deadlines for unit owners to opt out of online voting after

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<sup>24</sup> Section 718.128(3), F.S.

<sup>25</sup> Section 718.128(3), F.S.

giving consent.<sup>26</sup> A unit owner's option to vote online is valid until the unit owner opts out of online voting according to the procedures established by the board.<sup>27</sup>

If at least 25 percent of the voting interests of a condominium petition the board to adopt a resolution for electronic voting for the next scheduled election, the board must hold a meeting within 21 days after receipt of the petition to adopt such resolution. The board must receive the petition within 180 days after the date of the last scheduled annual meeting.<sup>28</sup>

If the association has not adopted electronic voting in accordance with ss. 718.128(1)-(6), F.S., the association must designate an e-mail address for receipt of electronically transmitted ballots. Electronically transmitted ballots must meet the following requirements:<sup>29</sup>

- Allow a unit owner to electronically transmit a ballot to the e-mail address designated by the association without complying with s. 718.112(2)(d)4., F.S., or the rules providing for the secrecy of ballots adopted by the division.<sup>30</sup>
- The association must count completed ballots that are electronically transmitted to the designated e-mail address.

A ballot that is electronically transmitted to the association must include all of the following:<sup>31</sup>

- A space for the unit owner to type in his or her unit number.
- 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.
- Include a statement in capitalized letters and in a font size larger than any other font size used in the e-mail from the association to the unit owner that waiving the secrecy of their ballot is their choice and they do not have to waive the secrecy of their ballot in order to vote, but that the unit owner will waive the secrecy of their ballot by transmitting this completed ballot electronically.

### **III. Effect of Proposed Changes:**

#### **Recording Board meeting Conducted by Video Conferences – Condominiums**

The bill amends s. 718.103(33), F.S., to revise the definition of the term “video conference” to provide that only meetings that are open to the unit owners must be recorded if conducted by video conference and maintained as an official record of the association.

#### **Turnover Inspection Reports – Condominiums and Cooperatives**

The bill revises the turnover inspection requirement in s. 718.112(2)(g)6., F.S., to delete the building height requirement for turnover inspection reports under ss. 718.301(4)(p) and (q), F.S., because the SIRS requirements for a turnover inspection report applies to all buildings regardless

<sup>26</sup> Section 718.128(4), F.S.

<sup>27</sup> Section 718.128(5), F.S.

<sup>28</sup> Section 718.128(6), F.S.

<sup>29</sup> Sections 718.128(7(a) and (b)), F.S.

<sup>30</sup> Section 718.112(2)(d)4., F.S., relates to meeting notices. Section 718.112(2)(d)3., F.S., provides that elections must be by secret ballot.

<sup>31</sup> Section 718.128(7)(c), F.S.

of the height of the buildings. The bill makes the identical revision in s. 719.106(k)6., F.S., for cooperative associations.

Under current law, turnover inspections under ss. 718.301(4)(p) and (q) and 719.301(4)(p) and (q), F.S., relating to condominiums and cooperatives, respectively, apply to all buildings on the condominium or cooperative property, as applicable, regardless of the height of the buildings.

### **SIRS - Condominiums and Cooperatives**

The bill amends ss. 718.112(2)(g)7. and 719.106(1)(k)7., F.S. to conform the SIRS requirement in these subparagraphs to the other provisions in these sections which apply to buildings that are “three habitable stories or higher in height.”

### **Electronic Voting – Condominiums**

The bill amends s. 718.128, F.S., to revise the provisions authorizing the delivery of ballots by email, to further provide that the electronic voting provisions apply to voting by email, independent website, application, or Internet web portal. The bill makes conforming changes throughout this section.

### **Effective Date**

The bill takes effect July 1, 2026.

## **IV. Constitutional Issues:**

### **A. Municipality/County Mandates Restrictions:**

None.

### **B. Public Records/Open Meetings Issues:**

None.

### **C. Trust Funds Restrictions:**

None.

### **D. State Tax or Fee Increases:**

None.

### **E. Other Constitutional Issues:**

None.

**V. Fiscal Impact Statement:**

## A. Tax/Fee Issues:

None.

## B. Private Sector Impact:

None.

## C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 718.103, 718.112, 718.128, and 719.106.

**IX. Additional Information:**

## A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

## B. Amendments:

None.