

1                   A bill to be entitled  
2     An act relating to the use of audioconferencing by  
3     community associations; amending ss. 718.103, 719.103,  
4     and 720.301, F.S.; defining the term "audio  
5     conference"; amending s. 718.111, F.S.; revising the  
6     list of official records that a condominium  
7     association is required to maintain to include audio  
8     conference recordings; amending s. 718.112, F.S.;  
9     revising association meeting requirements and  
10    authorizing associations to use audioconferencing, in  
11    addition to videoconferencing, or to use both;  
12    amending s. 718.1265, F.S.; revising the emergency  
13    powers of a condominium association to include the  
14    power to conduct meetings and elections via  
15    audioconferencing; amending s. 719.106, F.S.; revising  
16    the quorum requirements for residential cooperative  
17    association meetings to include audioconferencing;  
18    amending ss. 719.128 and 720.316, F.S.; revising the  
19    emergency powers of a residential cooperative  
20    association and a homeowners' association,  
21    respectively, to include the power to conduct meetings  
22    and elections via audioconferencing; reenacting and  
23    amending s. 718.501, F.S.; conforming a provision to  
24    changes made by the act; amending ss. 336.125,  
25    558.002, 617.0725, 718.116, 718.503, 719.503, and

720.3085, F.S.; conforming cross-references;  
reenacting s. 723.0791, F.S., relating to mobile home  
cooperative homeowners' associations elections, to  
incorporate the amendment made to s. 719.106, F.S., in  
a reference thereto; providing an effective date.

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

**Section 1. Present subsections (5) through (35) of section 718.103, Florida Statutes, are redesignated as subsections (6) through (36), respectively, and a new subsection (5) is added to that section, to read:**

718.103 Definitions.—As used in this chapter, the term:  
(5) "Audio conference" means a real-time, audio-based meeting between two or more people in different locations using an audio-enabled device.

**Section 2. Paragraphs (a) and (g) of subsection (12) of section 718.111, Florida Statutes, are amended to read:**

718.111 The association.—

(12) OFFICIAL RECORDS.—

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

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

51           2. A copy of the recorded declaration of condominium of  
52 each condominium operated by the association and each amendment  
53 to each declaration.

54           3. A copy of the recorded bylaws of the association and  
55 each amendment to the bylaws.

56           4. A certified copy of the articles of incorporation of  
57 the association, or other documents creating the association,  
58 and each amendment thereto.

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

60           6. A book or books or electronic records that contain the  
61 minutes of all meetings of the association, the board of  
62 administration, any committee, and the unit owners, and a  
63 recording of all such meetings ~~that are~~ conducted by audio  
64 conference or video conference, or both. If there are approved  
65 minutes for a meeting held by audio conference or video  
66 conference, or both, recordings of meetings ~~that are~~ conducted  
67 by audio conference or video conference, or both, must be  
68 maintained for at least 1 year after the date the audio or video  
69 recording is posted as required under paragraph (g).

70           7. A current roster of all unit owners and their mailing  
71 addresses, unit identifications, voting certifications, and, if  
72 known, telephone numbers. The association shall also maintain  
73 the e-mail addresses and facsimile numbers of unit owners  
74 consenting to receive notice by electronic transmission. In  
75 accordance with sub-subparagraph (c)5.e., the e-mail addresses

76 and facsimile numbers are only accessible to unit owners if  
77 consent to receive notice by electronic transmission is  
78 provided, or if the unit owner has expressly indicated that such  
79 personal information can be shared with other unit owners and  
80 the unit owner has not provided the association with a request  
81 to opt out of such dissemination with other unit owners. An  
82 association must ensure that the e-mail addresses and facsimile  
83 numbers are only used for the business operation of the  
84 association and may not be sold or shared with outside third  
85 parties. If such personal information is included in documents  
86 that are released to third parties, other than unit owners, the  
87 association must redact such personal information before the  
88 document is disseminated. However, the association is not liable  
89 for an inadvertent disclosure of the e-mail address or facsimile  
90 number for receiving electronic transmission of notices unless  
91 such disclosure was made with a knowing or intentional disregard  
92 of the protected nature of such information.

93       8. All current insurance policies of the association and  
94 condominiums operated by the association.

95       9. A current copy of any management agreement, lease, or  
96 other contract to which the association is a party or under  
97 which the association or the unit owners have an obligation or  
98 responsibility.

99       10. Bills of sale or transfer for all property owned by  
100 the association.

101           11. Accounting records for the association and separate  
102 accounting records for each condominium that the association  
103 operates. Any person who knowingly or intentionally defaces or  
104 destroys such records, or who knowingly or intentionally fails  
105 to create or maintain such records, with the intent of causing  
106 harm to the association or one or more of its members, is  
107 personally subject to a civil penalty pursuant to s.  
108 718.501(1)(e). The accounting records must include, but are not  
109 limited to:

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

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

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

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

125           e. All contracts for work to be performed. Bids for work

126 to be performed are also considered official records and must be  
127 maintained by the association for at least 1 year after receipt  
128 of the bid.

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

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

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

138 15. A copy of the inspection reports described in ss.  
139 553.899 and 718.301(4)(p) and any other inspection report  
140 relating to a structural or life safety inspection of  
141 condominium property. Such record must be maintained by the  
142 association for 15 years after receipt of the report.

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

144 17. All affirmative acknowledgments made pursuant to s.  
145 718.121(4)(c).

146 18. A copy of all building permits.

147 19. A copy of all satisfactorily completed board member  
148 educational certificates.

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

150 21. All other written records of the association not

specifically included in the foregoing which are related to the operation of the association.

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

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

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

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

b. The association's website or application must be accessible through the Internet and must contain a subpage, web portal, or other protected electronic location that is

176 inaccessible to the general public and accessible only to unit  
177 owners and employees of the association.

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

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

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

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

191 c. The articles of incorporation of the association, or  
192 other documents creating the association, and each amendment to  
193 the articles of incorporation or other documents. The copy  
194 posted pursuant to this sub-subparagraph must be a copy of the  
195 articles of incorporation filed with the Department of State.

196 d. The rules of the association.

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

199 f. The audio or video recording or a hyperlink to the  
200 audio or video recording for all meetings of the association,



201 the board of administration, any committee, and the unit owners  
202 which ~~were~~ are conducted by audio conference or video  
203 conference, or both, over the preceding 12 months.

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

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

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

218 j. The certification of each director required by s.  
219 718.112(2)(d)4.b.

220 k. All contracts or transactions between the association  
221 and any director, officer, corporation, firm, or association  
222 that is not an affiliated condominium association or any other  
223 entity in which an association director is also a director or  
224 officer and financially interested.

225 l. Any contract or document regarding a conflict of

226 interest or possible conflict of interest as provided in ss.  
227 468.4335, 468.436(2)(b)6., and 718.3027(3).

228 m. The notice of any unit owner meeting and the agenda for  
229 the meeting, as required by s. 718.112(2)(d)3., no later than 14  
230 days before the meeting. The notice must be posted in plain view  
231 on the front page of the website or application, or on a  
232 separate subpage of the website or application labeled "Notices"  
233 which is conspicuously visible and linked from the front page.  
234 The association must also post on its website or application any  
235 document to be considered and voted on by the owners during the  
236 meeting or any document listed on the agenda at least 7 days  
237 before the meeting at which the document or the information  
238 within the document will be considered.

239 n. Notice of any board meeting, the agenda, and any other  
240 document required for the meeting as required by s.  
241 718.112(2)(c), which must be posted no later than the date  
242 required for notice under s. 718.112(2)(c).

243 o. The inspection reports described in ss. 553.899 and  
244 718.301(4)(p) and any other inspection report relating to a  
245 structural or life safety inspection of condominium property.

246 p. The association's most recent structural integrity  
247 reserve study, if applicable.

248 q. Copies of all building permits issued for ongoing or  
249 planned construction.

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

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

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

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

268           **Section 3. Paragraphs (b) through (e) of subsection (2) of**  
269 **section 718.112, Florida Statutes, are amended to read:**

270           718.112 Bylaws.—

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

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

275           1. Unless a lower number is provided in the bylaws, the

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

2. Except as specifically otherwise provided herein, unit owners in a residential condominium may not vote by general proxy, but may vote by limited proxies substantially conforming to a limited proxy form adopted by the division. A voting interest or consent right allocated to a unit owned by the association may not be exercised or considered for any purpose, whether for a quorum, an election, or otherwise. Limited proxies and general proxies may be used to establish a quorum. Limited proxies shall be used for votes taken to waive or reduce reserves in accordance with subparagraph (f)2.; for votes taken to waive the financial reporting requirements of s. 718.111(13); for votes taken to amend the declaration pursuant to s. 718.110; for votes taken to amend the articles of incorporation or bylaws pursuant to this section; and for any other matter for which this chapter requires or permits a vote of the unit owners. Except as provided in paragraph (d), a proxy, limited or general, may not be used in the election of board members in a residential condominium. General proxies may be used for other

301 matters for which limited proxies are not required, and may be  
302 used in voting for nonsubstantive changes to items for which a  
303 limited proxy is required and given. Notwithstanding this  
304 subparagraph, unit owners may vote in person at unit owner  
305 meetings. This subparagraph does not limit the use of general  
306 proxies or require the use of limited proxies for any agenda  
307 item or election at any meeting of a timeshare condominium  
308 association or a nonresidential condominium association.

309         3. A proxy given is effective only for the specific  
310 meeting for which originally given and any lawfully adjourned  
311 meetings thereof. A proxy is not valid longer than 90 days after  
312 the date of the first meeting for which it was given. Each proxy  
313 is revocable at any time at the pleasure of the unit owner  
314 executing it.

315         4. A member of the board of administration or a committee  
316 may submit in writing his or her agreement or disagreement with  
317 any action taken at a meeting that the member did not attend.  
318 This agreement or disagreement may not be used as a vote for or  
319 against the action taken or to create a quorum.

320         5. A board meeting may be conducted in person or by audio  
321 conference or video conference, or both. A board or committee  
322 member's participation in a meeting via telephone, real-time  
323 audioconferencing or videoconferencing, or similar real-time  
324 electronic, audio, or video communication counts toward a  
325 quorum, and such member may vote as if physically present. A

326 speaker must be used so that the conversation of such members  
327 may be heard by the board or committee members attending in  
328 person as well as by any unit owners present at a meeting. The  
329 division shall adopt rules pursuant to ss. 120.536 and 120.54  
330 governing the requirements for meetings.

331 (c) *Board of administration meetings.*—In a residential  
332 condominium association of more than 10 units, the board of  
333 administration shall meet at least once each quarter. At least  
334 four times each year, the meeting agenda must include an  
335 opportunity for members to ask questions of the board. Meetings  
336 of the board of administration at which a quorum of the members  
337 is present are open to all unit owners. Members of the board of  
338 administration may use e-mail as a means of communication but  
339 may not cast a vote on an association matter via e-mail. A unit  
340 owner may tape record or videotape the meetings. The right to  
341 attend such meetings includes the right to speak at such  
342 meetings with reference to all designated agenda items and the  
343 right to ask questions relating to reports on the status of  
344 construction or repair projects, the status of revenues and  
345 expenditures during the current fiscal year, and other issues  
346 affecting the condominium. The division shall adopt reasonable  
347 rules governing the tape recording and videotaping of the  
348 meeting. The association may adopt written reasonable rules  
349 governing the frequency, duration, and manner of unit owner  
350 statements.

1. Adequate notice of all board meetings, which must specifically identify all agenda items, must be posted conspicuously on the condominium property at least 48 continuous hours before the meeting except in an emergency. If the board meeting is to be conducted via audio conference or video conference, or both, the notice must state that such meeting will be via audio conference or video conference, or both, and must include a hyperlink and a conference telephone number for unit owners to attend the meeting via video conference, as well as the address of the physical location where the unit owners can attend the meeting in person. If the meeting is conducted via audio conference or video conference, or both, it must be recorded and such recording must be maintained as an official record of the association. If 20 percent of the voting interests petition the board to address an item of business, the board, within 60 days after receipt of the petition, must ~~shall~~ place the item on the agenda at its next regular board meeting or at a special meeting called for that purpose. An item not included on the notice may be taken up on an emergency basis by a vote of at least a majority plus one of the board members. Such emergency action must be noticed and ratified at the next regular board meeting. Written notice of a meeting at which a nonemergency special assessment or an amendment to rules regarding unit use will be considered must be mailed, delivered, or electronically transmitted to the unit owners and posted conspicuously on the

condominium property at least 14 days before the meeting.  
Evidence of compliance with this 14-day notice requirement must  
be made by an affidavit executed by the person providing the  
notice and filed with the official records of the association.

2. Upon notice to the unit owners, the board shall, by  
duly adopted rule, designate a specific location on the  
condominium property at which all notices of board meetings must  
be posted. If there is no condominium property at which notices  
can be posted, notices must ~~shall~~ be mailed, delivered, or  
electronically transmitted to each unit owner at least 14 days  
before the meeting. In lieu of or in addition to the physical  
posting of the notice on the condominium property, the  
association may, by reasonable rule, adopt a procedure for  
conspicuously posting and repeatedly broadcasting the notice and  
the agenda on a closed-circuit cable television system serving  
the condominium association. However, if broadcast notice is  
used in lieu of a notice physically posted on condominium  
property, the notice and agenda must be broadcast at least four  
times every broadcast hour of each day that a posted notice is  
otherwise required under this section. If broadcast notice is  
provided, the notice and agenda must be broadcast in a manner  
and for a sufficient continuous length of time so as to allow an  
average reader to observe the notice and read and comprehend the  
entire content of the notice and the agenda. In addition to any  
of the authorized means of providing notice of a meeting of the



board, the association may, by rule, adopt a procedure for conspicuously posting the meeting notice and the agenda on a website serving the condominium association for at least the minimum period of time for which a notice of a meeting is also required to be physically posted on the condominium property. Any rule adopted must ~~shall~~, in addition to other matters, include a requirement that the association send an electronic notice in the same manner as a notice for a meeting of the members, which must include a hyperlink to the website at which the notice is posted, to unit owners whose e-mail addresses are included in the association's official records.

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

4. Meetings of a committee to take final action on behalf of the board or make recommendations to the board regarding the association budget are subject to this paragraph. Meetings of a committee that does not take final action on behalf of the board

426 or make recommendations to the board regarding the association  
427 budget are subject to this section, unless those meetings are  
428 exempted from this section by the bylaws of the association.

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

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

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

438 (d) *Unit owner meetings.*—

439 1. An annual meeting of the unit owners must be held at  
440 the location provided in the association bylaws and, if the  
441 bylaws are silent as to the location, the meeting must be held  
442 within 15 miles of the condominium property or within the same  
443 county as the condominium property. However, such distance  
444 requirement does not apply to an association governing a  
445 timeshare condominium. If a unit owner meeting is conducted via  
446 audio conference or video conference, or both, a unit owner may  
447 vote electronically in the manner provided in s. 718.128.

448 2. Unit owner meetings, including the annual meeting of  
449 the unit owners, may be conducted in person or via audio  
450 conference or video conference, or both. If the annual meeting

451 of the unit owners is conducted via audio conference or video  
452 conference, or both, a quorum of the members of the board of  
453 administration must be physically present at the physical  
454 location where unit owners can attend the meeting. The location  
455 must be provided in the association bylaws and, if the bylaws  
456 are silent as to the location, the meeting must be held within  
457 15 miles of the condominium property or within the same county  
458 as the condominium property. If the unit owner meeting is  
459 conducted via audio or video conference, or both, the audio  
460 conference or video conference, or both, must be recorded and  
461 such recording must be maintained as an official record of the  
462 association. The division shall adopt rules pursuant to ss.  
463 120.536 and 120.54 governing the requirements for meetings.

464 3. Unless the bylaws provide otherwise, a vacancy on the  
465 board caused by the expiration of a director's term must be  
466 filled by electing a new board member, and the election must be  
467 by secret ballot. An election is not required if the number of  
468 vacancies equals or exceeds the number of candidates. For  
469 purposes of this paragraph, the term "candidate" means an  
470 eligible person who has timely submitted the written notice, as  
471 described in sub-subparagraph 4.a., of his or her intention to  
472 become a candidate. Except in a timeshare or nonresidential  
473 condominium, or if the staggered term of a board member does not  
474 expire until a later annual meeting, or if all members' terms  
475 would otherwise expire but there are no candidates, the terms of

all board members expire at the annual meeting, and such members may stand for reelection unless prohibited by the bylaws. Board members may serve terms longer than 1 year if permitted by the bylaws or articles of incorporation. A board member may not serve more than 8 consecutive years unless approved by an affirmative vote of unit owners representing two-thirds of all votes cast in the election or unless there are not enough eligible candidates to fill the vacancies on the board at the time of the vacancy. Only board service that occurs on or after July 1, 2018, may be used when calculating a board member's term limit. If the number of board members whose terms expire at the annual meeting equals or exceeds the number of candidates, the candidates become members of the board effective upon the adjournment of the annual meeting. Unless the bylaws provide otherwise, any remaining vacancies shall be filled by the affirmative vote of the majority of the directors making up the newly constituted board even if the directors constitute less than a quorum or there is only one director. In a residential condominium association of more than 10 units or in a residential condominium association that does not include timeshare units or timeshare interests, co-owners of a unit may not serve as members of the board of directors at the same time unless they own more than one unit or unless there are not enough eligible candidates to fill the vacancies on the board at the time of the vacancy. A unit owner in a residential

condominium desiring to be a candidate for board membership must comply with sub-subparagraph 4.a. and must be eligible to be a candidate to serve on the board of directors at the time of the deadline for submitting a notice of intent to run in order to have his or her name listed as a proper candidate on the ballot or to serve on the board. A person who has been suspended or removed by the division under this chapter, or who is delinquent in the payment of any assessment due to the association, is not eligible to be a candidate for board membership and may not be listed on the ballot. For purposes of this paragraph, a person is delinquent if a payment is not made by the due date as specifically identified in the declaration of condominium, bylaws, or articles of incorporation. If a due date is not specifically identified in the declaration of condominium, bylaws, or articles of incorporation, the due date is the first day of the assessment period. A person who has been convicted of any felony in this state or in a United States District or Territorial Court, or who has been convicted of any offense in another jurisdiction which would be considered a felony if committed in this state, is not eligible for board membership unless such felon's civil rights have been restored for at least 5 years as of the date such person seeks election to the board. The validity of an action by the board is not affected if it is later determined that a board member is ineligible for board membership due to having been convicted of a felony. This

subparagraph does not limit the term of a member of the board of a nonresidential or timeshare condominium.

4. The bylaws must provide the method of calling meetings of unit owners, including annual meetings. Written notice of an annual meeting must include an agenda; be mailed, hand delivered, or electronically transmitted to each unit owner at least 14 days before the annual meeting; and be posted in a conspicuous place on the condominium property or association property at least 14 continuous days before the annual meeting. Written notice of a meeting other than an annual meeting must include an agenda; be mailed, hand delivered, or electronically transmitted to each unit owner; and be posted in a conspicuous place on the condominium property or association property within the timeframe specified in the bylaws. If the bylaws do not specify a timeframe for written notice of a meeting other than an annual meeting, notice must be provided at least 14 continuous days before the meeting. Upon notice to the unit owners, the board shall, by duly adopted rule, designate a specific location on the condominium property or association property at which all notices of unit owner meetings must be posted. This requirement does not apply if there is no condominium property for posting notices. In addition to the physical posting of meeting notices, the association may, by reasonable rule, adopt a procedure for conspicuously posting and repeatedly broadcasting the notice and the agenda on a closed-

551 circuit cable television system serving the condominium  
552 association. If broadcast notice is provided, the notice and  
553 agenda must be broadcast in a manner and for a sufficient  
554 continuous length of time so as to allow an average reader to  
555 observe the notice and read and comprehend the entire content of  
556 the notice and the agenda. In addition to any of the authorized  
557 means of providing notice of a meeting of the board, the  
558 association may, by rule, adopt a procedure for conspicuously  
559 posting the meeting notice and the agenda on a website serving  
560 the condominium association for at least the minimum period of  
561 time for which a notice of a meeting is also required to be  
562 physically posted on the condominium property. Any rule adopted  
563 shall, in addition to other matters, include a requirement that  
564 the association send an electronic notice in the same manner as  
565 a notice for a meeting of the members, which must include a  
566 hyperlink to the website at which the notice is posted, to unit  
567 owners whose e-mail addresses are included in the association's  
568 official records. Unless a unit owner waives in writing the  
569 right to receive notice of the annual meeting, such notice must  
570 be hand delivered, mailed, or electronically transmitted to each  
571 unit owner. Notice for meetings and notice for all other  
572 purposes must be mailed to each unit owner at the address last  
573 furnished to the association by the unit owner, or hand  
574 delivered to each unit owner. However, if a unit is owned by  
575 more than one person, the association must provide notice to the

576 address that the developer identifies for that purpose and  
577 thereafter as one or more of the owners of the unit advise the  
578 association in writing, or if no address is given or the owners  
579 of the unit do not agree, to the address provided on the deed of  
580 record. An officer of the association, or the manager or other  
581 person providing notice of the association meeting, must provide  
582 an affidavit or United States Postal Service certificate of  
583 mailing, to be included in the official records of the  
584 association affirming that the notice was mailed or hand  
585 delivered in accordance with this provision.

586       5. The members of the board of a residential condominium  
587 shall be elected by written ballot or voting machine. Proxies  
588 may not be used in electing the board in general elections or  
589 elections to fill vacancies caused by recall, resignation, or  
590 otherwise, unless otherwise provided in this chapter. This  
591 subparagraph does not apply to an association governing a  
592 timeshare condominium.

593       a. At least 60 days before a scheduled election, the  
594 association shall mail, deliver, or electronically transmit, by  
595 separate association mailing or included in another association  
596 mailing, delivery, or transmission, including regularly  
597 published newsletters, to each unit owner entitled to a vote, a  
598 first notice of the date of the election. A unit owner or other  
599 eligible person desiring to be a candidate for the board must  
600 give written notice of his or her intent to be a candidate to



the association at least 40 days before a scheduled election. Together with the written notice and agenda as set forth in subparagraph 3., the association shall mail, deliver, or electronically transmit a second notice of the election to all unit owners entitled to vote, together with a ballot that lists all candidates not less than 14 days or more than 34 days before the date of the election. Upon request of a candidate, an information sheet, no larger than 8 1/2 inches by 11 inches, which must be furnished by the candidate at least 35 days before the election, must be included with the mailing, delivery, or transmission of the ballot, with the costs of mailing, delivery, or electronic transmission and copying to be borne by the association. The association is not liable for the contents of the information sheets prepared by the candidates. In order to reduce costs, the association may print or duplicate the information sheets on both sides of the paper. The division shall by rule establish voting procedures consistent with this sub-subparagraph, including rules establishing procedures for giving notice by electronic transmission and rules providing for the secrecy of ballots. Elections are ~~shall be~~ decided by a plurality of ballots cast. There is no quorum requirement; however, at least 20 percent of the eligible voters must cast a ballot in order to have a valid election. A unit owner may not authorize any other person to vote his or her ballot, and any ballots improperly cast are invalid. A unit owner who violates

626 | this provision may be fined by the association in accordance  
627 | with s. 718.303. A unit owner who needs assistance in casting  
628 | the ballot for the reasons stated in s. 101.051 may obtain such  
629 | assistance. The regular election must occur on the date of the  
630 | annual meeting. Notwithstanding this sub-subparagraph, an  
631 | election is not required unless more candidates file notices of  
632 | intent to run or are nominated than board vacancies exist.

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

635 |       (I) Certify in writing to the secretary of the association  
636 | that he or she has read the association's declaration of  
637 | condominium, articles of incorporation, bylaws, and current  
638 | written policies; that he or she will work to uphold such  
639 | documents and policies to the best of his or her ability; and  
640 | that he or she will faithfully discharge his or her fiduciary  
641 | responsibility to the association's members.

642 |       (II) Submit to the secretary of the association a  
643 | certificate of having satisfactorily completed the educational  
644 | curriculum administered by the division or a division-approved  
645 | condominium education provider. The educational curriculum must  
646 | be at least 4 hours long and include instruction on milestone  
647 | inspections, structural integrity reserve studies, elections,  
648 | recordkeeping, financial literacy and transparency, levying of  
649 | fines, and notice and meeting requirements.

Each newly elected or appointed director must submit to the secretary of the association the written certification and educational certificate within 1 year before being elected or appointed or 90 days after the date of election or appointment. A director of an association of a residential condominium who was elected or appointed before July 1, 2024, must comply with the written certification and educational certificate requirements in this sub-subparagraph by June 30, 2025. The written certification and educational certificate is valid for 7 years after the date of issuance and does not have to be resubmitted as long as the director serves on the board without interruption during the 7-year period. A director who is appointed by the developer may satisfy the educational certificate requirement in sub-sub-subparagraph (II) for any subsequent appointment to a board by a developer within 7 years after the date of issuance of the most recent educational certificate, including any interruption of service on a board or appointment to a board in another association within that 7-year period. One year after submission of the most recent written certification and educational certificate, and annually thereafter, a director of an association of a residential condominium must submit to the secretary of the association a certificate of having satisfactorily completed at least 1 hour of continuing education administered by the division, or a division-approved condominium education provider, relating to

any recent changes to this chapter and the related administrative rules during the past year. A director of an association of a residential condominium who fails to timely file the written certification and educational certificate is suspended from service on the board until he or she complies with this sub-subparagraph. The board may temporarily fill the vacancy during the period of suspension. The secretary shall cause the association to retain a director's written certification and educational certificate for inspection by the members for 7 years after a director's election or the duration of the director's uninterrupted tenure, whichever is longer. Failure to have such written certification and educational certificate on file does not affect the validity of any board action.

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

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

701 or declaration or any law that provides for such action.

702        7. Unit owners may waive notice of specific meetings if  
703 allowed by the applicable bylaws or declaration or any law.  
704 Notice of meetings of the board of administration; unit owner  
705 meetings, except unit owner meetings called to recall board  
706 members under paragraph (1); and committee meetings may be given  
707 by electronic transmission to unit owners who consent to receive  
708 notice by electronic transmission. A unit owner who consents to  
709 receiving notices by electronic transmission is solely  
710 responsible for removing or bypassing filters that block receipt  
711 of mass e-mails sent to members on behalf of the association in  
712 the course of giving electronic notices.

713        8. Unit owners have the right to participate in meetings  
714 of unit owners with reference to all designated agenda items.  
715 However, the association may adopt reasonable rules governing  
716 the frequency, duration, and manner of unit owner participation.

717        9. A unit owner may tape record or videotape a meeting of  
718 the unit owners subject to reasonable rules adopted by the  
719 division.

720        10. Unless otherwise provided in the bylaws, any vacancy  
721 occurring on the board before the expiration of a term may be  
722 filled by the affirmative vote of the majority of the remaining  
723 directors, even if the remaining directors constitute less than  
724 a quorum, or by the sole remaining director. In the alternative,  
725 a board may hold an election to fill the vacancy, in which case

the election procedures must conform to sub-subparagraph 4.a. unless the association governs 10 units or fewer and has opted out of the statutory election process, in which case the bylaws of the association control. Unless otherwise provided in the bylaws, a board member appointed or elected under this section shall fill the vacancy for the unexpired term of the seat being filled. Filling vacancies created by recall is governed by paragraph (1) and rules adopted by the division.

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

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

(e) *Budget meeting.*—

1. Any meeting at which a proposed annual budget of an

751 association will be considered by the board or unit owners is  
752 ~~shall be~~ open to all unit owners. A meeting of the board or unit  
753 owners at which a proposed annual association budget will be  
754 considered may be conducted by audio conference or video  
755 conference, or both. The division shall adopt rules pursuant to  
756 ss. 120.536 and 120.54 governing the requirements for such  
757 meetings. A sound transmitting device must be used so that the  
758 conversation of such members may be heard by the board or  
759 committee members attending in person, as well as any unit  
760 owners present at the meeting. At least 14 days before such a  
761 meeting, the board shall hand deliver to each unit owner, mail  
762 to each unit owner at the address last furnished to the  
763 association by the unit owner, or electronically transmit to the  
764 location furnished by the unit owner for that purpose a notice  
765 of such meeting and a copy of the proposed annual budget. An  
766 officer or a manager of the association, or other person  
767 providing notice of such meeting, shall execute an affidavit  
768 evidencing compliance with such notice requirement, and such  
769 affidavit shall be filed among the official records of the  
770 association.

771       2.a. If a board proposes in any fiscal year an annual  
772 budget which requires assessments against unit owners which  
773 exceed 115 percent of assessments for the preceding fiscal year,  
774 the board must ~~shall~~ simultaneously propose a substitute budget  
775 that does not include any discretionary expenditures that are

not required to be in the budget. The substitute budget must be proposed at the budget meeting before the adoption of the annual budget. At least 14 days before such budget meeting in which a substitute budget will be proposed, the board shall hand deliver to each unit owner, or mail to each unit owner at the address last furnished to the association, a notice of the meeting. An officer or manager of the association, or other person providing notice of such meeting shall execute an affidavit evidencing compliance with this notice requirement, and such affidavit must ~~shall~~ be filed among the official records of the association. Unit owners shall ~~must~~ consider and may adopt a substitute budget at the meeting. A substitute budget is adopted if approved by a majority of all voting interests unless the bylaws require adoption by a greater percentage of voting interests. If a substitute budget is not adopted, the annual budget previously initially proposed by the board may be adopted.

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

c. If the developer controls the board, assessments may



not exceed 115 percent of assessments for the prior fiscal year unless approved by a majority of all voting interests.

**Section 4. Paragraph (a) of subsection (1) of section 718.1265, Florida Statutes, is amended to read:**

718.1265 Association emergency powers.—

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

(a) Conduct board meetings, committee meetings, elections, and membership meetings, in whole or in part, by telephone, real-time audioconferencing or videoconferencing, or similar real-time electronic, audio, or video communication with notice given as is practicable. Such notice may be given in any practicable manner, including publication, radio, United States mail, the Internet, electronic transmission, public service announcements, and conspicuous posting on the condominium property or association property or any other means the board deems reasonable under the circumstances. Notice of decisions also may be communicated as provided in this paragraph.

**Section 5. Subsections (3) through (29) of section**

719.103, Florida Statutes, are renumbered as subsections (4) through (30), respectively, and a new subsection (3) is added to that section, to read:

719.103 Definitions.—As used in this chapter:

(3) "Audio conference" means a real-time, audio-based meeting between two or more people in different locations using an audio-enabled device.

**Section 6. Paragraph (b) of subsection (1) of section 719.106, Florida Statutes, is amended to read:**

719.106 Bylaws; cooperative ownership.—

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

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

1. Unless otherwise provided in the bylaws, the percentage of voting interests required to constitute a quorum at a meeting of the members shall be a majority of voting interests, and decisions shall be made by owners of a majority of the voting interests. Unless otherwise provided in this chapter, or in the articles of incorporation, bylaws, or other cooperative documents, and except as provided in subparagraph (d)1., decisions shall be made by owners of a majority of the voting interests represented at a meeting at which a quorum is present.

2. Except as specifically otherwise provided herein, after January 1, 1992, unit owners may not vote by general proxy, but

may vote by limited proxies substantially conforming to a limited proxy form adopted by the division. Limited proxies and general proxies may be used to establish a quorum. Limited proxies shall be used for votes taken to waive or reduce reserves in accordance with subparagraph (j)2., for votes taken to waive the financial reporting requirements of s. 719.104(4)(b), for votes taken to amend the articles of incorporation or bylaws pursuant to this section, and for any other matter for which this chapter requires or permits a vote of the unit owners. Except as provided in paragraph (d), after January 1, 1992, a ~~no~~ proxy, limited or general, may not ~~shall~~ be used in the election of board members. General proxies may be used for other matters for which limited proxies are not required, and may also be used in voting for nonsubstantive changes to items for which a limited proxy is required and given. Notwithstanding ~~the provisions of~~ this section, unit owners may vote in person at unit owner meetings. This section does not ~~Nothing contained herein shall~~ limit the use of general proxies or require the use of limited proxies or require the use of limited proxies for any agenda item or election at any meeting of a timeshare cooperative.

3. Any proxy given is ~~shall be~~ effective only for the specific meeting for which originally given and any lawfully adjourned meetings thereof. In no event shall any proxy be valid for a period longer than 90 days after the date of the first

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876 meeting for which it was given. Every proxy is ~~shall be~~  
877 revocable at any time at the pleasure of the unit owner  
878 executing it.

879 4. A member of the board of administration or a committee  
880 may submit in writing his or her agreement or disagreement with  
881 any action taken at a meeting that the member did not attend.  
882 This agreement or disagreement may not be used as a vote for or  
883 against the action taken and may not be used for the purposes of  
884 creating a quorum.

885 5. A board member or committee member participating in a  
886 meeting via telephone, real-time audioconferencing or  
887 videoconferencing, or similar real-time electronic, audio, or  
888 video communication counts toward a quorum, and such member may  
889 vote as if physically present. A speaker must be used so that  
890 the conversation of such members may be heard by the board or  
891 committee members attending in person, as well as by any unit  
892 owners present at a meeting.

893 **Section 7. Paragraph (a) of subsection (1) of section**  
894 **719.128, Florida Statutes, is amended to read:**

895 719.128 Association emergency powers.—

896 (1) To the extent allowed by law, unless specifically  
897 prohibited by the cooperative documents, and consistent with s.  
898 617.0830, the board of administration, in response to damage or  
899 injury caused by or anticipated in connection with an emergency,  
900 as defined in s. 252.34(4), for which a state of emergency is

declared pursuant to s. 252.36 in the area encompassed by the cooperative, may exercise the following powers:

(a) Conduct board meetings, committee meetings, elections, or membership meetings, in whole or in part, by telephone, real-time audioconferencing or videoconferencing, or similar real-time electronic, audio, or video communication after notice of the meetings and board decisions is provided in as practicable a manner as possible, including via publication, radio, United States mail, the Internet, electronic transmission, public service announcements, conspicuous posting on the cooperative property, or any other means the board deems appropriate under the circumstances. Notice of decisions may also be communicated as provided in this paragraph.

**Section 8. Subsections (2) through (13) of section 720.301, Florida Statutes, are renumbered as subsections (3) through (14), respectively, and a new subsection (2) is added to that section, to read:**

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

(2) "Audio conference" means a real-time, audio-based meeting between two or more people in different locations using an audio-enabled device.

**Section 9. Paragraph (a) of subsection (1) of section 720.316, Florida Statutes, is amended to read:**

720.316 Association emergency powers.—

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

926 prohibited by the declaration or other recorded governing  
927 documents, and consistent with s. 617.0830, the board of  
928 directors, in response to damage or injury caused by or  
929 anticipated in connection with an emergency, as defined in s.  
930 252.34(4), for which a state of emergency is declared pursuant  
931 to s. 252.36 in the area encompassed by the association, may  
932 exercise the following powers:

933 (a) Conduct board meetings, committee meetings, elections,  
934 or membership meetings, in whole or in part, by telephone, real-  
935 time audioconferencing or videoconferencing, or similar real-  
936 time electronic, audio, or video communication after notice of  
937 the meetings and board decisions is provided in as practicable a  
938 manner as possible, including via publication, radio, United  
939 States mail, the Internet, electronic transmission, public  
940 service announcements, conspicuous posting on the common area,  
941 or any other means the board deems appropriate under the  
942 circumstances. Notice of decisions may also be communicated as  
943 provided in this paragraph.

944 **Section 10. Paragraph (a) of subsection (1) of section**  
945 **718.501, Florida Statutes, is amended, and paragraph (u) of that**  
946 **subsection is reenacted, to read:**

947 718.501 Authority, responsibility, and duties of Division  
948 of Florida Condominiums, Timeshares, and Mobile Homes.—

949 (1) The division may enforce and ensure compliance with  
950 this chapter and rules relating to the development,

951 construction, sale, lease, ownership, operation, and management  
952 of residential condominium units and complaints. In performing  
953 its duties, the division has complete jurisdiction to  
954 investigate complaints and enforce compliance with respect to  
955 associations that are still under developer control or the  
956 control of a bulk assignee or bulk buyer pursuant to part VII of  
957 this chapter and complaints against developers, bulk assignees,  
958 or bulk buyers involving improper turnover or failure to  
959 turnover, pursuant to s. 718.301. However, after turnover has  
960 occurred, the division has jurisdiction to review records and  
961 investigate complaints related only to:

962       (a)1. Procedural aspects and records relating to financial  
963 issues, including annual financial reporting under s.  
964 718.111(13); assessments for common expenses, fines, and  
965 commingling of reserve and operating funds under s. 718.111(14);  
966 use of debit cards for unintended purposes under s. 718.111(15);  
967 the annual operating budget and the allocation of reserve funds  
968 under s. 718.112(2)(f); financial records under s.  
969 718.111(12)(a)11.; and any other record necessary to determine  
970 the revenues and expenses of the association.

971       2. Elections, including election and voting requirements  
972 under s. 718.112(2)(b) and (d), recall of board members under s.  
973 718.112(2)(l), electronic voting under s. 718.128, and elections  
974 that occur during an emergency under s. 718.1265(1)(a).

975       3. The maintenance of and unit owner access to association

976 records under s. 718.111(12), including, but not limited to,  
977 audio or video recordings.

978 4. The procedural aspects of meetings, including unit  
979 owner meetings, quorums, voting requirements, proxies, board of  
980 administration meetings, and budget meetings under s.  
981 718.112(2).

982 5. The disclosure of conflicts of interest under ss.  
983 718.111(1)(a) and 718.3027, including limitations contained in  
984 s. 718.111(3)(f).

985 6. The removal of a board director or officer under ss.  
986 718.111(1)(a) and (15) and 718.112(2)(p) and (q).

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

990 8. Completion of repairs required by a milestone  
991 inspection under s. 553.899.

992 9. Any written inquiries by unit owners to the association  
993 relating to such matters, including written inquiries under s.  
994 718.112(2)(a)2.

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

998 11. Board member education requirements under s.  
999 718.112(2)(d)5.b.

1000 12. Reporting requirements for structural integrity



reserve studies under subsection (3) and under s.  
718.112(2)(g)12.

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

**Section 11. Paragraph (a) of subsection (1) of section 336.125, Florida Statutes, is amended to read:**

336.125 Closing and abandonment of roads; optional conveyance to homeowners' association; traffic control jurisdiction.—

(1)(a) In addition to the authority provided in s. 336.12, the governing body of the county may abandon the roads and rights-of-way dedicated in a recorded residential subdivision plat and simultaneously convey the county's interest in such roads, rights-of-way, and appurtenant drainage facilities to a homeowners' association for the subdivision, if the following conditions have been met:

1. The homeowners' association has requested the abandonment and conveyance in writing for the purpose of converting the subdivision to a gated neighborhood with restricted public access.

2. No fewer than four-fifths of the owners of record of

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property located in the subdivision have consented in writing to the abandonment and simultaneous conveyance to the homeowners' association.

3. The homeowners' association is both a corporation not for profit organized and in good standing under chapter 617, and a "homeowners' association" as defined in s. 720.301 ~~s.~~ ~~720.301(9)~~ with the power to levy and collect assessments for routine and periodic major maintenance and operation of street lighting, drainage, sidewalks, and pavement in the subdivision.

4. The homeowners' association has entered into and executed such agreements, covenants, warranties, and other instruments; has provided, or has provided assurance of, such funds, reserve funds, and funding sources; and has satisfied such other requirements and conditions as may be established or imposed by the county with respect to the ongoing operation, maintenance, and repair and the periodic reconstruction or replacement of the roads, drainage, street lighting, and sidewalks in the subdivision after the abandonment by the county.

**Section 12. Subsection (2) of section 558.002, Florida Statutes, is amended to read:**

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

(2) "Association" has the same meaning as in s. 718.103, s. 719.103, s. 720.301 ~~s. 719.103(2), s. 720.301(9)~~, or s. 723.075.

**Section 13. Section 617.0725, Florida Statutes, is amended to read:**

617.0725 Quorum.—An amendment to the articles of incorporation or the bylaws which adds, changes, or deletes a greater or lesser quorum or voting requirement must meet the same quorum or voting requirement and be adopted by the same vote and voting groups required to take action under the quorum and voting requirements then in effect or proposed to be adopted, whichever is greater. This section does not apply to any corporation that is an association, as defined in s. 720.301(10) ~~s. 720.301(9)~~, or any corporation regulated under chapter 718 or chapter 719.

**Section 14. Paragraph (b) of subsection (1) of section 718.116, Florida Statutes, is amended to read:**

718.116 Assessments; liability; lien and priority; interest; collection.—

(1)

(b)1. The liability of a first mortgagee or its successor or assignees who acquire title to a unit by foreclosure or by deed in lieu of foreclosure for the unpaid assessments that became due before the mortgagee's acquisition of title is limited to the lesser of:

a. The unit's unpaid common expenses and regular periodic assessments which accrued or came due during the 12 months immediately preceding the acquisition of title and for which

1076 payment in full has not been received by the association; or

1077       b. One percent of the original mortgage debt. The  
1078 provisions of this paragraph apply only if the first mortgagee  
1079 joined the association as a defendant in the foreclosure action.  
1080 Joinder of the association is not required if, on the date the  
1081 complaint is filed, the association was dissolved or did not  
1082 maintain an office or agent for service of process at a location  
1083 which was known to or reasonably discoverable by the mortgagee.

1084       2. An association, or its successor or assignee, that  
1085 acquires title to a unit through the foreclosure of its lien for  
1086 assessments is not liable for any unpaid assessments, late fees,  
1087 interest, or reasonable attorney's fees and costs that came due  
1088 before the association's acquisition of title in favor of any  
1089 other association, as defined in s. 718.103 or s. 720.301(10) ~~s.~~  
1090 ~~720.301(9)~~, which holds a superior lien interest on the unit.  
1091 This subparagraph is intended to clarify existing law.

1092       **Section 15. Paragraph (d) of subsection (1) and paragraph**  
1093 **(e) of subsection (2) of section 718.503, Florida Statutes, are**  
1094 **amended to read:**

1095       718.503 Developer disclosure prior to sale; nondeveloper  
1096 unit owner disclosure prior to sale; voidability.—

1097       (1) DEVELOPER DISCLOSURE.—

1098       (d) *Milestone inspection, turnover inspection report, or*  
1099 *structural integrity reserve study.*—If the association is  
1100 required to have completed a milestone inspection as described

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

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

1126 PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED  
1127 IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF  
1128 THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION  
1129 718.301(4) (p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A  
1130 COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY  
1131 RESERVE STUDY DESCRIBED IN SECTIONS 718.103(27) ~~718.103(26)~~ AND  
1132 718.112(2) (g), FLORIDA STATUTES, IF APPLICABLE, MORE THAN 15  
1133 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, BEFORE  
1134 EXECUTION OF THIS CONTRACT; and

1135 2. A clause which states: THIS AGREEMENT IS VOIDABLE BY  
1136 BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO  
1137 CANCEL WITHIN 15 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL  
1138 HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE  
1139 BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE INSPECTOR-  
1140 PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED  
1141 IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF  
1142 THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION  
1143 718.301(4) (p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A  
1144 COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY  
1145 RESERVE STUDY DESCRIBED IN SECTIONS 718.103(27) ~~718.103(26)~~ AND  
1146 718.112(2) (g), FLORIDA STATUTES, IF APPLICABLE. ANY PURPORTED  
1147 WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER  
1148 MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 15  
1149 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER  
1150 THE BUYER RECEIVES A CURRENT COPY OF THE INSPECTOR-PREPARED

SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN SECTION 553.899, FLORIDA STATUTES; A COPY OF THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION 718.301(4) (p) AND (q), FLORIDA STATUTES; OR A COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS 718.103(27) ~~718.103(26)~~ AND 718.112(2) (g), FLORIDA STATUTES, IF REQUESTED IN WRITING. BUYER'S RIGHT TO VOID THIS AGREEMENT SHALL TERMINATE AT CLOSING.

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

(2) NONDEVELOPER DISCLOSURE.—

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

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

1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE INSPECTOR- PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION 718.301(4) (p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS 718.103(27) ~~718.103(26)~~ AND 718.112(2) (g), FLORIDA STATUTES, IF APPLICABLE, MORE THAN 7 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, BEFORE EXECUTION OF THIS CONTRACT; and

2. A clause which states: THIS AGREEMENT IS VOIDABLE BY BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO



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CANCEL WITHIN 7 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE INSPECTOR- PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION 718.301(4) (p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS 718.103(27) ~~718.103(26)~~ AND 718.112(2) (g), FLORIDA STATUTES, IF APPLICABLE. ANY PURPORTED WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 7 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE BUYER RECEIVES A CURRENT COPY OF THE INSPECTOR-PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN SECTION 553.899, FLORIDA STATUTES; A COPY OF THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION 718.301(4) (p) AND (q), FLORIDA STATUTES; OR A COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS 718.103(27) ~~718.103(26)~~ AND 718.112(2) (g), FLORIDA STATUTES, IF REQUESTED IN WRITING. BUYER'S RIGHT TO VOID THIS AGREEMENT SHALL TERMINATE AT CLOSING.

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

closing.

**Section 16. Paragraph (d) of subsection (1) and paragraph (d) of subsection (2) of section 719.503, Florida Statutes, are amended to read:**

719.503 Disclosure prior to sale.—

(1) DEVELOPER DISCLOSURE.—

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

1251 structural integrity reserve study, as appropriate. If the  
1252 association has completed a milestone inspection as described in  
1253 s. 553.899, a turnover inspection report for a turnover  
1254 inspection performed on or after July 1, 2023, or a structural  
1255 integrity reserve study, each contract entered into after  
1256 December 31, 2024, for the sale of a residential unit shall  
1257 contain in conspicuous type:

1258       1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES  
1259 THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE INSPECTOR-  
1260 PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED  
1261 IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF  
1262 THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION  
1263 719.301(4)(p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A  
1264 COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY  
1265 RESERVE STUDY DESCRIBED IN SECTIONS 719.103(25) ~~719.103(24)~~ AND  
1266 719.106(1)(k), FLORIDA STATUTES, IF APPLICABLE, MORE THAN 15  
1267 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, BEFORE  
1268 EXECUTION OF THIS CONTRACT; and

1269       2. A clause which states: THIS AGREEMENT IS VOIDABLE BY  
1270 BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO  
1271 CANCEL WITHIN 15 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL  
1272 HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE  
1273 BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE INSPECTOR-  
1274 PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED  
1275 IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF

1276 THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION  
1277 719.301(4) (p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A  
1278 COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY  
1279 RESERVE STUDY DESCRIBED IN SECTIONS 719.103(25) ~~719.103(24)~~ AND  
1280 719.106(1) (k), FLORIDA STATUTES, IF APPLICABLE. ANY PURPORTED  
1281 WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER  
1282 MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 15  
1283 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER  
1284 THE BUYER RECEIVES A CURRENT COPY OF THE INSPECTOR-PREPARED  
1285 SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN  
1286 SECTION 553.899, FLORIDA STATUTES; A COPY OF THE TURNOVER  
1287 INSPECTION REPORT DESCRIBED IN SECTION 719.301(4) (p) AND (q),  
1288 FLORIDA STATUTES; OR A COPY OF THE ASSOCIATION'S MOST RECENT  
1289 STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS  
1290 719.103(25) ~~719.103(24)~~ AND 719.106(1) (k), FLORIDA STATUTES, IF  
1291 REQUESTED IN WRITING. BUYER'S RIGHT TO VOID THIS AGREEMENT SHALL  
1292 TERMINATE AT CLOSING.

1293  
1294 A contract that does not conform to the requirements of this  
1295 paragraph is voidable at the option of the purchaser before  
1296 closing.

1297 (2) NONDEVELOPER DISCLOSURE.—

1298 (d) If the association is required to have completed a  
1299 milestone inspection as described in s. 553.899, a turnover  
1300 inspection report for a turnover inspection performed on or

1301 after July 1, 2023, or a structural integrity reserve study, and  
1302 the association has not completed the milestone inspection, the  
1303 turnover inspection report, or the structural integrity reserve  
1304 study, each contract entered into after December 31, 2024, for  
1305 the sale of a residential unit shall contain in conspicuous type  
1306 a statement indicating that the association is required to have  
1307 a milestone inspection, a turnover inspection report, or a  
1308 structural integrity reserve study and has not completed such  
1309 inspection, report, or study, as appropriate. If the association  
1310 is not required to have a milestone inspection as described in  
1311 s. 553.899 or a structural integrity reserve study, each  
1312 contract entered into after December 31, 2024, for the sale of a  
1313 residential unit shall contain in conspicuous type a statement  
1314 indicating that the association is not required to have a  
1315 milestone inspection or a structural integrity reserve study, as  
1316 appropriate. If the association has completed a milestone  
1317 inspection as described in s. 553.899, a turnover inspection  
1318 report for a turnover inspection performed on or after July 1,  
1319 2023, or a structural integrity reserve study, each contract  
1320 entered into after December 31, 2024, for the resale of a  
1321 residential unit shall contain in conspicuous type:

1322 1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES  
1323 THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE INSPECTOR-  
1324 PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED  
1325 IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF

1326 THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION  
1327 719.301(4)(p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A  
1328 COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY  
1329 RESERVE STUDY DESCRIBED IN SECTIONS 719.103(25) ~~719.103(24)~~ AND  
1330 719.106(1)(k), FLORIDA STATUTES, IF APPLICABLE, MORE THAN 7  
1331 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, BEFORE  
1332 EXECUTION OF THIS CONTRACT; and

1333       2. A clause which states: THIS AGREEMENT IS VOIDABLE BY  
1334 BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO  
1335 CANCEL WITHIN 7 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL  
1336 HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE  
1337 BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE INSPECTOR-  
1338 PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED  
1339 IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF  
1340 THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION  
1341 719.301(4)(p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A  
1342 COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY  
1343 RESERVE STUDY DESCRIBED IN SECTIONS 719.103(25) ~~719.103(24)~~ AND  
1344 719.106(1)(k), FLORIDA STATUTES, IF APPLICABLE. ANY PURPORTED  
1345 WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER  
1346 MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 7  
1347 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER  
1348 THE BUYER RECEIVES A CURRENT COPY OF THE INSPECTOR-PREPARED  
1349 SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN  
1350 SECTION 553.899, FLORIDA STATUTES; A COPY OF THE TURNOVER

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INSPECTION REPORT DESCRIBED IN SECTION 719.301(4) (p) AND (q),  
FLORIDA STATUTES; OR A COPY OF THE ASSOCIATION'S MOST RECENT  
STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS  
719.103(25) ~~719.103(24)~~ AND 719.106(1) (k), FLORIDA STATUTES, IF  
REQUESTED IN WRITING. BUYER'S RIGHT TO VOID THIS AGREEMENT SHALL  
TERMINATE AT CLOSING.

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

**Section 17. Paragraph (d) of subsection (2) of section  
720.3085, Florida Statutes, is amended to read:**

720.3085 Payment for assessments; lien claims.—

(2)

(d) An association, or its successor or assignee, that  
acquires title to a parcel through the foreclosure of its lien  
for assessments is not liable for any unpaid assessments, late  
fees, interest, or reasonable attorney's fees and costs that  
came due before the association's acquisition of title in favor  
of any other association, as defined in s. 718.103 or s.  
720.301(10) ~~s. 720.301(9)~~, which holds a superior lien interest  
on the parcel. This paragraph is intended to clarify existing  
law.

**Section 18. For the purpose of incorporating the amendment  
made by this act to section 719.106, Florida Statutes, in a**

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1376 **reference thereto, section 723.0791, Florida Statutes, is**  
1377 **reenacted to read:**

1378       723.0791 Mobile home cooperative homeowners' associations;  
1379 elections.—The provisions of s. 719.106(1)(b) notwithstanding,  
1380 the election of board members in a mobile home cooperative  
1381 homeowners' association may be carried out in the manner  
1382 provided for in the bylaws of the association. A mobile home  
1383 cooperative is a residential cooperative consisting of real  
1384 property to which 10 or more mobile homes are located or are  
1385 affixed.

1386       **Section 19.** This act shall take effect July 1, 2026.