Tab 1	**SB 936** by **McClain;** Similar to H 00537 Temporary Door Locking Devices

Tab 2	**SB 1724** by **Martin;** Similar to H 01451 Utility Services

104676	D	S	RCS	RI, Martin	Delete everything after	02/03 02:55 PM

Tab 3	**SB 1014** by **Mayfield;** Compare to H 01075 Provision of Municipal Utility Service to Owners Outside the Municipal Limits

~~214004~~	A	S	WD	RI, Mayfield	Delete L.33 - 73:	02/03 02:52 PM
970382	A	S	RCS	RI, Mayfield	Delete L.33 - 73:	02/03 02:52 PM

Tab 4	**SB 1498** by **Bradley (CO-INTRODUCERS) Boyd;** Community Associations

946314	D	S	RCS	RI, Bradley	Delete everything after	02/03 02:57 PM

The Florida Senate

COMMITTEE MEETING EXPANDED AGENDA

REGULATED INDUSTRIES
Senator Bradley, Chair
Senator Pizzo, Vice Chair

MEETING DATE: Tuesday, February 3, 2026
TIME: 1:00—3:00 p.m.
PLACE: *Pat Thomas Committee Room,* 412 Knott Building

MEMBERS: Senator Bradley, Chair; Senator Pizzo, Vice Chair; Senators Bernard, Boyd, Bracy Davis, Brodeur, Burgess, Calatayud, and Mayfield

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	**SB 936** McClain (Similar H 537, H 553)	Temporary Door Locking Devices; Defining the term "temporary door locking device"; authorizing temporary door locking devices to be installed at any height; requiring the Florida Building Commission to incorporate certain standards for temporary door locking devices into the Florida Building Code; requiring the use of temporary door locking devices be integrated into building safety plans, safety drills, and training programs for a specified purpose, etc. CA 01/27/2026 Favorable RI 02/03/2026 Favorable RC	Favorable Yeas 8 Nays 0
2	**SB 1724** Martin (Similar H 1451, Compare H 225, S 940, S 1188)	Utility Services; Requiring certain public meetings as a condition precedent to the effectiveness of a new or extended agreement under which a municipality will provide specified utility services in other municipalities or unincorporated areas; limiting the portion of certain utility revenues which a municipality may use to fund or finance general government functions; revising provisions relating to permissible rates, fees, and charges imposed by municipal water and sewer utilities on customers located outside the municipal boundaries; requiring municipalities that provide specified utility services to report certain information by a specified date, and annually thereafter, to the Florida Public Service Commission, etc. RI 02/03/2026 Fav/CS CA RC	Fav/CS Yeas 8 Nays 0

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
3	**SB 1014** Mayfield (Compare H 1075)	Provision of Municipal Utility Service to Owners Outside the Municipal Limits; Prohibiting a municipal utility from declining to extend service to properties outside its corporate limits under certain circumstances; requiring a municipal utility to expand its service to an owner who makes such a request under certain circumstances; requiring the municipal utility to make a determination within a specified timeframe and provide such determination to the owner in writing; requiring the municipal utility to provide the owner with specified information and to connect properties in a timely manner, etc. RI 02/03/2026 Fav/CS CA RC	Fav/CS Yeas 8 Nays 0
4	**SB 1498** Bradley	Community Associations; Revising a requirement that a developer, before turning over control of a condominium association to its unit owners, have a turnover inspection report for all buildings on the condominium property, rather than buildings that are three stories or higher in height; revising how associations that have not adopted electronic voting must receive electronically transmitted ballots; revising a requirement that a developer, before turning over control of a cooperative association to unit owners, have a turnover inspection report for all buildings on the cooperative property, rather than buildings that are three stories or higher in height, etc. RI 02/03/2026 Fav/CS AEG RC	Fav/CS Yeas 7 Nays 0
	Other Related Meeting Documents		

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.)

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

BILL:	SB 936
INTRODUCER:	Senator McClain
SUBJECT:	Temporary Door Locking Devices
DATE:	February 3, 2026
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Tolmich	Fleming	CA	**Favorable**
2.	Baird	Imhof	RI	**Favorable**
3.			RC	

I. Summary:

SB 936 allows a temporary door locking device to be installed at any height above the finished floor of a building.

The bill defines "temporary door locking device" as a device that prevents a door from opening and meets all of the following criteria:

- Is meant only for temporary use during an emergency situation;
- Can be engaged or removed without opening the door;
- Can be engaged and removed from the egress side of the door without the use of a key and can be removed from the ingress side of the door with the use of a key or other credential;
- Does not modify the door closer, panic hardware, or fire exit hardware;
- Is not permanently mounted to the door assembly; however, individual parts of the temporary door locking device, including, but not limited to, bolts, stops, brackets, or pins, which do not prevent normal ingress and egress through the door, may be permanently mounted to the door;
- Does not affect the fire rating of the door and complies with the fire rating standards of the National Fire Protection Association; and
- Can be removed with a single operation when engaged.

The bill requires the Florida Building Commission (commission) to incorporate into the Florida Building Code (Building Code) standards for temporary door locking devices that meet the specified requirements. The bill also requires that the use of a temporary door locking device must be integrated into building safety plans, safety drills, and training programs so that the employees or staff of the building in which the device is installed have inservice training on the use of the temporary door locking device.

The bill takes effect July 1, 2026.

II. Present Situation:

Temporary Door Locks in School Classrooms and Instructional Spaces

Temporary door locks are devices that prevent a door from opening that are typically used in emergency situations. Current law provides for temporary door locks in school classrooms and instructional spaces. All school classrooms and instructional spaces with a permanently installed door lock may also use a temporary door lock during an active assailant incident.[1] The temporary door lock must be:

- Able to be engaged or removed without opening the door;
- Easily removed in a single operation from the egress side of the door without the use of a key and from the ingress side of the door with the use of a key or other credential;
- In compliance with the Florida Fire Prevention Code; and
- Integrated into the active assailant response plan.[2]

Current law also provides that such temporary door locks may be installed at any height.[3]

Several other states, including Michigan[4] and Montana,[5] have adopted laws that allow for the use of temporary door locking devices in classrooms during emergency situations. The purpose of this type of legislation is to make schools and other buildings safer during emergency situations, such as an active shooter event.[6]

The Florida Building Code

In 1974, Florida adopted legislation requiring all local governments to adopt and enforce a minimum building code that would ensure that Florida's minimum standards were met. Local governments could choose from four separate model codes. The state's role was limited to adopting all or relevant parts of new editions of the four model codes. Local governments could amend and enforce their local codes, as they desired.[7]

In 1992, Hurricane Andrew demonstrated that Florida's system of local codes did not work. Hurricane Andrew easily destroyed those structures that were allegedly built according to the strongest code. The Governor eventually appointed a study commission to review the system of local codes and make recommendations for modernizing the system. The 1998 Legislature adopted the study's commission recommendations for a single state building code and enhanced the oversight role of the state over local code enforcement. The 2000 Legislature authorized

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[1] Section 1006.07(6)(f)2.a., F.S.
[2] *Id*.
[3] *Id*.
[4] LegiScan, *Michigan House Bill 5701*, available at: https://legiscan.com/MI/text/HB5701/id/2556156 (last visited Jan. 28, 2026).
[5] LegiScan, *Montana House Bill 651* (2025), available at: https://legiscan.com/MT/text/HB651/2025 (last visited Jan. 28, 2026).
[6] Daily Montanan, *Senate passes measure allowing temporary door locks in schools to enhance safety*, available at: https://dailymontanan.com/2025/04/14/senate-passes-measure-allowing-temporary-door-locks-in-schools-to-enhance-safety/ (last visited Jan. 28, 2026).
[7] The Florida Building Commission Report to the 2006 Legislature, *Florida Department of Community Affairs,* p. 4, http://www.floridabuilding.org/fbc/publications/2006_Legislature_Rpt_rev2.pdf (last visited Jan. 28, 2026).

implementation of the Building Code, and that first edition replaced all local codes on March 1, 2002.[8] The current edition of the Building Code is the eighth edition, which is referred to as the 2023 Florida Building Code.[9]

Chapter 553, part IV, F.S., is known as the "Florida Building Codes act" (act). The purpose and intent of the act is to provide a mechanism for the uniform adoption, updating, interpretation, and enforcement of a single, unified state building code. The Building Code must be applied, administered, and enforced uniformly and consistently from jurisdiction to jurisdiction.[10]

The commission was statutorily created to implement the Building Code. The commission, which is housed within the Department of Business and Professional Regulation (DBPR), is a 19-member technical body made up of design professionals, contractors, and government experts in various disciplines covered by the Building Code. The commission reviews several International Codes published by the International Code Council,[11] the National Electric Code, and other nationally adopted model codes to determine if the Building Code needs to be updated and adopts an updated Building Code every three years.[12]

Florida Fire Prevention Code

The State Fire Marshal, by rule, adopts the Florida Fire Prevention Code (Florida Fire Code), which contains all firesafety laws and rules that pertain to the design, construction, erection, alteration, modification, repair, and demolition of public and private buildings, structures, and facilities, and the enforcement of such firesafety laws and rules.[13] The State Fire Marshal adopts a new edition of the Florida Fire Code every three years.[14] The Florida Fire Code is largely based on the *National Fire Protection Association's (NFPA) Standard 1, Fire Prevention Code*, along with the current edition of the *Life Safety Code, NFPA 101*.[15] The 8th edition took effect on December 31, 2023.[16]

State law requires all municipalities, counties, and special districts with firesafety responsibilities to enforce the Florida Fire Code as the minimum fire prevention code to operate uniformly among local governments and in conjunction with the Building Code.[17] The Florida Fire Code applies to every building and structure throughout the state with few exceptions.[18] Municipalities, counties, and special districts with firesafety responsibilities may supplement the Florida Fire Code with more stringent standards adopted in accordance with s. 633.208, F.S.[19]

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[8] *Id.*
[9] Florida Building Commission Homepage, https://floridabuilding.org/c/default.aspx (last visited Jan. 28, 2026).
[10] Section 553.72(1), F.S.
[11] The International Code Council (ICC) is an association that develops model codes and standards used in the design, building, and compliance process to "construct safe, sustainable, affordable and resilient structures." International Code Council, *About the ICC*, https://www.iccsafe.org/about/who-we-are/ (last visited Jan. 28, 2026).
[12] Section 553.73(7)(a), F.S.
[13] Fla. Admin. Code R. 69A-60.002.
[14] Section 633.202(1), F.S.
[15] Section 633.202(2), F.S.
[16] Division of State Fire Marshal, *Florida Fire Prevention Code*, available at https://myfloridacfo.com/division/sfm/bfp/florida-fire-prevention-code (last visited Jan. 28, 2026).
[17] Sections 633.108 and 633.208, F.S.
[18] Section 633.208, F.S., and Fla. Admin. Code R. 69A-60.002(1).
[19] Section 633.208(3), F.S., and Fla. Admin. Code R. 69A-60.002(2).

Door Assemblies and Means of Egress

Door assemblies serve several purposes that relate to the comfort and safety of building occupants.[20] Door assemblies provide protection from weather, prevent trespassing by unauthorized persons, and slow or stop the spread of fire and smoke.[21]

Egress refers to an unobstructed route from any point in a building to a public way,[22] while ingress refers to the entrance into a room or building. In order to provide for the safety of persons in the event of an emergency, every component in the means of egress must be operable by, and under the control of, the occupants attempting egress.[23] If a locked door prevents egress, it can hinder evacuation time and prevent occupants from reaching safety.[24] As such, the National Fire Protection Association recommends several concepts that should be considered in all buildings regarding swinging egress door locking and latching:

- Door leaves must be arranged to be opened readily from the egress side whenever the building is occupied.
- Locks and latches cannot require the use of a key, tool, or special knowledge or effort to operate from the egress side.
- All locks, latches, and all other fastening devices on a door leaf must be provided with a releasing device that has an obvious method of operation and that is readily operated under all lighting conditions.
- The operation of the releasing mechanism must release all latching and all locking devices of the door leaf with not more than one motion in a single linear or rotational direction.[25]

III. Effect of Proposed Changes:

SB 936 creates s. 553.8951, F.S., to allow a temporary door locking device to be installed at any height above the finished floor of a building.

The bill defines "temporary door locking device" as a device that prevents a door from opening and meets all of the following criteria:

- Is meant only for temporary use during an emergency situation;
- Can be engaged or removed without opening the door;
- Can be engaged and removed from the egress side of the door without the use of a key and can be removed from the ingress side of the door with the use of a key or other credential;
- Does not modify the door closer, panic hardware, or fire exit hardware;
- Is not permanently mounted to the door assembly; however, individual parts of the temporary door locking device, including, but not limited to, bolts, stops, brackets, or pins, which do not

[20] National Fire Protection Association, *The basics of swinging type egress door operation*, available at: https://www.nfpa.org/news-blogs-and-articles/blogs/2021/04/09/basics-of-swinging-type-egress-door-operation (last visited Jan. 28, 2026).
[21] *Id*.
[22] National Fire Protection Association, *Swinging egress door operation: Permissible egress door locking arrangements*, available at https://www.nfpa.org/news-blogs-and-articles/blogs/2021/07/09/swinging-egress-door-operation-permissible-egress-door-locking-arrangements (last visited Jan. 28, 2026).
[23] *Id*.
[24] *Id*.
[25] *Id*.

prevent normal ingress and egress through the door, may be permanently mounted to the door;
- Does not affect the fire rating of the door and complies with the fire rating standards of the National Fire Protection Association; and
- Can be removed with a single operation when engaged.

The bill requires the commission to incorporate standards into the Building Code for temporary door locking devices that meet the specified requirements. A temporary door locking device may be used to secure a fire exit or an entranceway leading to a fire exit if the temporary door locking device is used only during an emergency situation and approved by the local enforcement agency that has jurisdiction over the building in which the device is installed. A temporary door locking device may only be applied for a finite period of time during an emergency situation, including, but not limited to, a shelter-in-place order, an emergency lockdown, or a safety drill for such emergency situation.

The bill also requires that the use of a temporary door locking device must be integrated into building safety plans, safety drills, and training programs so that the employees or staff of the building in which the device is installed have inservice training on the use of the temporary door locking device.

The bill takes effect July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill does not appear to require counties and municipalities to expend funds or further limit their authority to raise revenue or receive state-shared revenues as specified by Article VII, s. 18, of the State Constitution.

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 creates section 553.8951 of the Florida Statutes.

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.

By Senator McClain

9-00918C-26 2026936__

A bill to be entitled

An act relating to temporary door locking devices; creating s. 553.8951, F.S.; defining the term "temporary door locking device"; authorizing temporary door locking devices to be installed at any height; requiring the Florida Building Commission to incorporate certain standards for temporary door locking devices into the Florida Building Code; requiring the use of temporary door locking devices be integrated into building safety plans, safety drills, and training programs for a specified purpose; providing an effective date.

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

Section 1. Section 553.8951, Florida Statutes, is created to read:

553.8951 Temporary door locking devices.—

(1) As used in this section, the term "temporary door locking device" means a device that prevents a door from opening and meets all of the following criteria:

(a) Is meant only for temporary use during an emergency situation.

(b) Can be engaged or removed without opening the door.

(c) Can be engaged and removed from the egress side of the door without the use of a key and can be removed from the ingress side of the door with the use of a key or other credential.

(d) Does not modify the door closer, panic hardware, or

9-00918C-26 2026936__

fire exit hardware.

(e) Is not permanently mounted to the door assembly. However, individual parts of the temporary door locking device, including, but not limited to, bolts, stops, brackets, or pins, which do not prevent normal ingress and egress through the door, may be permanently mounted to the door.

(f) Does not affect the fire rating of the door and complies with the fire rating standards of the National Fire Protection Association.

(g) Can be removed with a single operation when engaged.

(2) Notwithstanding any other law or provision, a temporary door locking device may be installed at any height above the finished floor.

(3) The Florida Building Commission shall incorporate into the Florida Building Code pursuant to s. 553.73(1) standards for temporary door locking devices that meet the requirements of this section. A temporary door locking device may be used to secure a fire exit or an entranceway leading to a fire exit if the temporary door locking device is used only during an emergency situation and approved by the local enforcement agency that has jurisdiction over the building in which the device is installed. A temporary door locking device may be applied only for a finite period of time during an emergency situation, including, but not limited to, a shelter-in-place order, an emergency lockdown, or a safety drill for such emergency situation.

(4) The use of a temporary door locking device must be integrated into building safety plans, safety drills, and training programs so that the employees or staff of the building

in which the device is installed has inservice training on the use of the temporary door locking device.

Section 2. This act shall take effect July 1, 2026.

The Florida Senate

Committee Agenda Request

To: Senator Jennifer Bradley, Chair
Committee on Regulated Industries

Subject: Committee Agenda Request

Date: February 2, 2026

I respectfully request that **Senate Bill #936**, relating to Temporary Door Locking Devices, be placed on the:

☒ committee agenda at your earliest possible convenience.

☐ next committee agenda.

Senator Stan Mcclain
Florida Senate, District 9

File signed original with committee office

S-020 (03/2004)

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.)

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

BILL:	CS/SB 1724
INTRODUCER:	Regulated Industries Committee and Senator Martin
SUBJECT:	Utility Services
DATE:	February 4, 2026
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Schrader	Imhof	RI	**Fav/CS**
2.			CA	
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1724 revises requirements for municipal utilities that provide water and wastewater, or electric services outside their corporate boundaries. The bill amends s. 180.19, F.S., to require, before the agreement becomes effective, that new service agreements be in writing and subject to public input through meetings held within each municipality and unincorporated areas to be served, as well as annual customer meetings thereafter. The section also limits the use of gross utility revenues from such served areas for general government purposes to 10 percent and requires excess revenues, after recovery of actual costs, to be reinvested in the municipal utility or returned to customers.

The bill also amends s. 180.191, F.S., to eliminate, for such served areas, authorized 25 percent surcharges and reduce the allowable rate differential cap from 50 percent to 25 percent above rates charged within the municipality providing service. The bill also requires rate parity under certain circumstances for municipal water and wastewater services.

For such municipal utilities providing services outside of their municipal boundaries, the bill also adds a reporting requirement to the Public Service Commission (PSC), the results of which must be compiled and provided to the Governor, President of the Senate, and the Speaker of the House of Representatives.

The bill has an effective date of July 1, 2026.

II. Present Situation:

Florida Public Service Commission

The Florida Public Service Commission (PSC) is an arm of the legislative branch of government.[1] The role of the PSC is to ensure Florida's consumers receive utility services, including electric, natural gas, telephone, water, and wastewater, in a safe and reliable manner and at fair prices.[2] In order to do so, the PSC exercises authority over utilities in one or more of the following areas: rate base or economic regulation; competitive market oversight; and monitoring of safety, reliability, and service issues.[3]

Electric Utilities

The PSC monitors the safety and reliability of the electric power grid[4] and may order the addition or repair of infrastructure as necessary.[5] The PSC has broad jurisdiction over the rates and service of investor-owned electric and gas utilities[6] (defined as "public utilities" under ch. 366, F.S.).[7] However, the PSC does not fully regulate municipal electric utilities (utilities owned or operated on behalf of a municipality) or rural electric cooperatives. The PSC does have jurisdiction over these types of utilities with regard to rate structure, territorial boundaries, and bulk power supply operations and planning.[8]

Municipally-owned utility rates and revenues are regulated by their respective local governments or local utility boards. Rates and revenues for a cooperative utility are regulated by its governing body elected by the cooperative's membership.

Municipal Electric Utilities in Florida

A municipal electric utility is an electric utility owned and operated by a municipality. Chapter 366, F.S., provides the majority of electric utility regulations for Florida. While ch. 366, F.S., does not provide a definition, per se, for a "municipal utility," variations of this terminology and the concept of these types of utilities appear throughout the chapter. Currently, Florida has 33 municipal electric utilities that serve over 14 percent of the state's electric utility customers.[9]

Water and Wastewater Utilities

Florida's Water and Wastewater System Regulatory Law, ch. 367, F.S., regulates water and wastewater systems in the state. Section 367.011, F.S., grants the PSC exclusive jurisdiction over each utility with respect to its authority, service, and rates. For the chapter, a "utility" is defined as "a water or wastewater utility and, except as provided in s. 367.022, F.S., includes every

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[1] Section 350.001, F.S.
[2] *See* Florida Public Service Commission, *Florida Public Service Commission Homepage*, http://www.psc.state.fl.us (last visited Jan. 29, 2026).
[3] Florida Public Service Commission, *About the PSC*, https://www.psc.state.fl.us/about (last visited Jan. 29, 2026).
[4] Section 366.04(5) and (6), F.S.
[5] Section 366.05(1) and (8), F.S.
[6] Section 366.05, F.S.
[7] Section 366.02(8), F.S.
[8] Florida Public Service Commission, *About the PSC*, *supra* note 3.
[9] Florida Municipal Electric Association, *About Us,* https://www.flpublicpower.com/about-us (last visited Jan. 29, 2026).

person, lessee, trustee, or receiver owning, operating, managing, or controlling a system, or proposing construction of a system, who is providing, or proposes to provide, water or wastewater service to the public for compensation." In 2024, the PSC had jurisdiction over 153 investor-owned water and/or wastewater utilities in 40 of Florida's 67 counties.[10]

Section 367.022, F.S., exempts certain types of water and wastewater operations from PSC jurisdiction and the provisions of ch. 367, F.S. (except as expressly provided in the chapter). Such exempt operations include: municipal water and wastewater systems, public lodging systems that only provide service to their guests, systems with a 100-person or less capacity, landlords that include service to their tenants without specific compensation for such service, and mobile home parks operating both as a mobile home park and a mobile home subdivision that provide "service within the park and subdivision to a combination of both tenants and lot owners, provided that the service to tenants is without specific compensation," and others.[11] The PSC also does not regulate utilities in counties that have exempted themselves from PSC regulation pursuant to s. 367.171, F.S. However, under s. 367.171(7), F.S., the PSC retains exclusive jurisdiction over all utility systems whose service crosses county boundaries, except for utility systems that are subject to interlocal utility agreements.

Municipal Water and Sewer Utilities in Florida

A municipality[12] may establish a utility by resolution or ordinance under s. 180.03, F.S. A municipality may establish a service area within its municipal boundary or within five miles of its corporate limits of the municipality.[13]

Under s. 180.19, F.S., a municipality may permit another municipality and the owners or association of owners of lands outside of its corporate limits or within another municipality's corporate limits to connect to its utilities upon such terms and conditions as may be agreed upon between the municipalities.

The PSC does not have jurisdiction over municipal water and sewer utilities, and as such, has no authority over the rates or territories for such utilities.[14] Municipally-owned water and sewer utility rates and revenues are regulated by their respective local governments, sometimes through a utility board or commission.

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[10] Florida Public Service Commission, *2025 Facts and Figures of the Florida Utility Industry*, p. 4, https://www.floridapsc.com/pscfiles/website-files/PDF/Publications/Reports/General/FactsAndFigures/April%202025.pdf (last visited Jan. 29, 2026).

[11] Section 367.022, F.S.

[12] Defined by s. 180.01, F.S., "as any city, town, or village duly incorporated under the laws of the state."

[13] Section 180.02, F.S., *see also* s. 180.06, F.S.

[14] The PSC can, however, consider municipal water or wastewater utility territory when it is granting or amending a certificate of authority for an investor-owned water or wastewater utility to operate within a county under the PSC's jurisdiction (but it is not bound by such decisions of local government). Section 367.045(5)(b), F.S., provides that, "when granting or amending a certificate of authorization, the commission need not consider whether the issuance or amendment of the certificate of authorization is inconsistent with the local comprehensive plan of a county or municipality unless a timely objection to the notice required by this section has been made by an appropriate motion or application. If such an objection has been timely made, the commission shall consider, but is not bound by, the local comprehensive plan of the county or municipality."

Municipal Water and Sewer Utility Rate Setting

The PSC does not have jurisdiction over municipal water and sewer utilities, and as such, has no authority over the rates for such utilities. Municipally-owned water and sewer utility rates, revenues, and territories are regulated by their respective local governments, sometimes through a utility board or commission.

Municipal Water and Sewer Utility Rates for Customers Outside of Corporate Limits

Section 180.191, F.S., provides limitations on the rates that can be charged to customers outside their municipal boundaries. The first option is that such a municipality may charge the same rates outside as inside its municipal boundaries, but may add a surcharge of not more than 25 percent to those outside the boundaries (s. 180.191(1)(a), F.S., rate design).[15] The fixing of rates, fees, or charges for customers outside of the municipal boundaries, in this manner, does not require a public hearing.

Alternatively, a municipality may charge rates that are just and equitable and based upon the same factors used in fixing the rates for the customers within the boundaries of the municipality. In addition, the municipality may add a 25 percent surcharge (s. 180.191(1)(b), F.S., rate design). When a municipality uses this methodology, the total of all rates, fees, and charges for the services charged to customers outside the municipal boundaries may not be more than 50 percent in excess of the total amount the municipality charges consumers within its municipal boundaries, for corresponding service.[16] Under this scenario, the rates, fees, and charges may not be set until a public hearing is held and the users, owners, tenants, occupants of the property served or to be served, and all other interested parties have an opportunity to be heard on the rates, fees, and charges. Any change in the rates, fees, and charges must also have a public hearing unless the change is applied pro rata to all classes of service, both inside and outside of the municipality.[17]

The provisions of s. 180.191, F.S., may be enforced by civil action. Whenever any municipality violates, or if reasonable grounds exist to believe that a municipality is about to violate, s. 180.191, F.S., an aggrieved party may seek preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order.[18] A prevailing party under such an action may seek treble damages and, in addition, a reasonable attorney's fee as part of the cost.[19]

City of Miami Gardens v. City of North Miami Beach

The Norwood Water Treatment Plant (Norwood Plant), operated by the City of North Miami Beach (NMB), treats and distributes water for North Miami Beach's municipal water and wastewater utility which provides service to customers in NMB and the City of Miami Gardens. Though owned by NMB, the plant is physically located outside of the geographic boundaries of

[15] Section 180.191(1)(a), F.S.
[16] Section 180.191(1)(b), F.S.
[17] *Id.*
[18] Section 180.191(2), F.S.
[19] Section 180.191(4), F.S.

that municipality in what is now, since May 13, 2003,[20] within the geographic boundaries of Miami Gardens.[21]

On January 7, 2003, NMB adopted an ordinance, pursuant to s. 180.191, F.S., increasing the surcharge on its water and wastewater customers residing outside of its municipal boundaries. On May 22, 2017, NMB entered into an agreement for a private entity to maintain, repair and manage the Norwood Plant; however, NMB retained ownership of the plant.[22]

In December of 2018, Miami Gardens brought a class action lawsuit, which sought to represent not only itself, but also its residents who purchase water from the Norwood Plant. In part, Miami Gardens sought a declaratory judgment seeking the answers to three questions:

- If NMB assigned to a private contractor all operational responsibility for water utilities it owns that are located outside its geographical bounds, is NMB still "operating" those water utilities?
- If NMB is no longer "operating" water utilities it owns that are located outside its geographical bounds, may NMB lawfully charge a 25 percent surcharge on water provided to consumers within the City of Miami Gardens?
- Does s. 180.191, F.S., provide for the imposition of a 25 percent surcharge per billing cycle by NMB upon the City of Miami Gardens and the members of the class for water drawn from the aquifer located within the boundaries of the City of Miami Gardens which is processed in and never leaves the boundaries of the municipality?[23]

After the parties were given a chance to resolve the dispute for six months, the trial court eventually dismissed the complaint on four bases:

- NMB had terminated the contract with the private entity to operate the Norwood Plant, and thus the complaint was moot;
- The complaint was not supported by the plain language of s. 180.191(1), F.S;
- Statute of limitations, as the complaint had been filed 15 years after Miami Gardens was incorporated and 16 years after the surcharge had been put in place (citing to the four-year statute of limitations provided in s. 95.11(3), F.S); and
- Sovereign immunity.[24]

Miami Gardens appealed this dismissal to the Florida Third District Court of Appeal. The Third District Court reversed the dismissal and remanded the case back to the trial court, stating that:

- Sovereign immunity did not bar the claims of Miami Gardens. The court found that sovereign immunity did not apply in this matter since s. 180.191(4), F.S., clearly provides a financial damages remedy for actions pursuant to s. 180.191, F.S. In addition, the court found that sovereign immunity did not apply to refunds of previously paid illegal fees;

[20] Miami Gardens was incorporated on May 13, 2003.
[21] *City of Miami Gardens v. City of N. Miami Beach*, 346 So. 3d 648, 650–51 (Fla. 3d DCA 2022). The City of North Miami Beach operated the Norwood Plant before the City of Miami Gardens was incorporated.
[22] *Id.*at 651.
[23] *Id.*
[24] *Id* at 653.

- Miami Gardens' allegation that an NMB-owned water treatment plant, contracted to be operated by a private party, was not entitled to assess a 25 percent surcharge on non-NMB residents, was sufficient to state a claim under s. 180.191, F.S.; and
- The matter was not moot, even though, since October 30, 2019, NMB had removed the surcharges for the services supplied to the City of Miami Gardens itself (but not for other residential and business customers) and, as of August 6, 2020, NMB had terminated its contract with the private entity operating the plant. The court found that Miami Gardens and its class still had a case and controversy as to whether it, and its residents, were due a refund and that the cessation of the surcharge was not permanent.[25]

On January 16, 2025, the trial court issued a final order approving a settlement that pays $9 million to Miami Gardens and its class from NMB.[26]

III. Effect of Proposed Changes:

Section 1 of the bill amends s. 180.19, F.S., to place additional requirements on when municipal water and wastewater, and electric utilities may permit any other municipality and the owners or association of owners of lots or lands outside of its corporate limits or within the limits of any other municipality, to connect with or use such utilities. The section requires new agreements to provide such service be in writing.[27] In addition, the agreement may not become effective until an appointed representative[28] of the municipality providing or intending to provide the utility service (serving municipality), has participated in a public meeting in conjunction with the governing body[29] of each municipality and unincorporated area to be served (receiving entities). Such meeting:

- Need not be a separate public meeting;
- Must be held within each receiving entity;
- Is to be held for the purposes of providing information and soliciting public input on:
  - The nature of the services to be provided or changes to the services being provided;
  - The rates, fees, and charges to be imposed for the services provided or intended to be provided, including any differential with the rates, fees, and charges imposed for the same services on customers located within the boundaries of the serving municipality, the basis for the differential, and the length of time that the differential is expected to exist;
  - The extent to which revenues generated from the provision of the services will be used to fund or finance nonutility government functions or services; and
  - Any other matter deemed relevant by the serving municipality and receiving entities.

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[25] *Id* at 653-58.

[26] *City of Miami Gardens v. City of North Miami Beach*, No. 2018-042450-CA-01 (Fla. 11th Cir. Ct. Jan. 16, 2025)(final order and judgment approving settlement agreement).

[27] The section applies to any "new agreement, or an extension, renewal, or material amendment of an existing agreement, to provide electric, water, or sewer utility service at retail."

[28] The section defines "appointed representative" as "an executive-level leadership employee of a municipality, or of such municipality's related and separate utility authority, board, or commission, specifically appointed by the governing body to serve as its representative for the purposes of this subsection."

[29] The section defines "governing body" as the "governing body of a municipality in which services are provided or proposed to be extended; or the board of county commissioners of a county in which services are provided or proposed to be extended, if services are provided or proposed to be extended in an unincorporated area within the county."

For municipal water and wastewater utilities, the rates charged by the serving municipality to the receiving entities must comply with the requirements of s. 180.191, F.S.

In addition to the initial meeting specified above, the section also requires an annual customer meeting to be conducted by a representative of the serving municipality, in conjunction with the receiving entities, within each receiving entity. The purpose of this meeting is to solicit public input on utility-related matters—including fees, rates, charges, and services,

Section 2 of the bill amends s. 180.191(1)(a), F.S., limiting, for municipal water and wastewater utilities, surcharges assessed from serving municipalities to receiving entities. For s. 180.191(1)(a), F.S., rate design, the section eliminates the authorized 25 percent surcharge on rates, fees, and charges. For s. 180.191(1)(b), F.S., rate design, the section also eliminates the authorized 25 percent surcharge. However, a municipal water or wastewater utility may continue to impose the surcharge on consumers outside the municipal boundaries to the extent necessary to comply with the terms of any bond covenants in effect as of July 1, 2024. Such surcharges must be phased out upon the retirement, expiration, or refinancing of such applicable debt obligations.

In addition, the section amends the provision establishing a cap on the total of all rates, fees, and charges assessed to customers of a receiving entity. The amendment reduces the cap from no more than 50 percent in excess of the total rates, fees, and charges assessed to consumers within the boundaries of the receiving municipality for corresponding services, to no more than 25 percent in excess of those amounts.

Section 3 creates s. 180.192, F.S., initiating a reporting requirement for serving municipalities providing electric, water, or wastewater service to receiving entities. The section requires serving municipalities to provide a report for each type of utility service it provides, to the PSC, disclosing:

- The number and percentage of customers that receive utility services provided by the serving municipality at a location outside the boundaries of the municipality;
- The volume and percentage of sales made to such customers, and the gross revenues generated from such sales; and
- Whether the rates, fees, and charges imposed on customers that receive services at a location outside the municipality's boundaries are different than the rates, fees, and charges imposed on customers within the boundaries of the municipality, and, if so, the amount and percentage of the differential.

The report is due to the PSC by January 1, 2028, and then annually thereafter. After receipt of said reports, the PSC, by March 31, 2028 (and annually thereafter), must compile this information and submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

The section clarifies that the PSC's authority provided in the bill to require annual reports from municipal electric, water, and wastewater utilities is limited solely to that reporting requirement. In addition, it provides that the section does not modify or extend the authority of the PSC otherwise provided by law with respect to any municipal utility that is required to comply pursuant to the reporting requirement provided in the section.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Article VII, s. 18 of the Florida Constitution governs laws that require counties and municipalities to spend funds, limit the ability of counties and municipalities to raise revenue, or reduce the percentage of state tax shared with counties and municipalities.

Subsection (b) of Art. VII, s. 18 of the Florida Constitution provides that except upon approval of each house of the Legislature by two-thirds vote of the membership, the Legislature may not enact, amend, or repeal any general law if the anticipated effect of doing so would be to reduce the authority that municipalities or counties have to raise revenue in the aggregate, as such authority existed on February 1, 1989. However, the mandates requirements do not apply to laws having an insignificant impact,[30] which is $2.4 million or less for Fiscal Year 2026-2027.[31]

The bill eliminates, for municipal water and wastewater utilities providing services outside of its corresponding municipal boundaries, a 25 percent surcharge it may charge to such customers. In addition, the bill, under certain circumstances, reduces the amount such utilities may charge such persons over-and-above what it charges customers located within its corresponding municipal boundaries. If the anticipated effect of this provision is a significant reduction in a municipality's ability to raise revenue, the bill requires approval by two-thirds vote of the membership of both chambers of the legislature.

To the extent that the limitation on fees, which are meant to cover actual costs, requires municipalities to take actions requiring the significant expenditure of funds, the bill requires a finding of important state interest and approval by two-thirds vote of the membership in order to bind municipalities. Staff is not aware of any estimates on anticipated costs associated with the bill.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

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[30] An insignificant fiscal impact is the amount not greater than the average statewide population for the applicable fiscal year multiplied by $0.10. *See* FLA. SENATE COMM. ON COMTY. AFFAIRS, *Interim Report 2012-115: Insignificant Impact*, (Sept. 2011), http://www.flsenate.gov/PublishedContent/Session/2012/InterimReports/2012-115ca.pdf (last visited Jan. 30, 2026).

[31] Based on the Demographic Estimating Conference's estimated population adopted on June 30, 2025, https://edr.state.fl.us/Content/conferences/population/archives/250630demographic.pdf (last visited Jan. 30, 2026).

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Municipal utility customers that are located outside the municipality that operates the utility may see utility rate, fee, and charge reductions for such services.

C. Government Sector Impact:

Municipal governments that operate a municipal utility that serves customers that are located outside of the municipality other than the municipality that operates the utility, may see a reduction in utility revenue under the provisions of the bill. In addition, such governments may see an increase in regulatory and administrative costs in complying with the meeting and reporting requirements of the bill.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends sections 180.19 and 180.191 of the Florida Statutes,
This bill creates section 180.192 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Regulated Industries on February 3, 2026
The committee substitute amended SB 1724 in the following ways:

- Removed municipal natural gas utilities from the bill's provisions.
- Removed a provision that limited the amount of gross municipal utility revenues that may be used for general government purposes.
- Removed a provision requiring rate, fee, and charge parity when a municipal water or wastewater utility provides service to another municipality using a facility or water or sewer plant located within the second municipality.

- Provided that a municipal water or wastewater utility may continue to impose a surcharge on consumers outside the municipal boundaries only to the extent necessary to comply with the terms of bond covenants in effect as of July 1, 2024. Such surcharges must be phased out upon retirement, expiration, or refinancing of the applicable debt obligation.
- Clarified that the PSC's authority provided in the bill to require annual reports from municipal electric, water, and wastewater utilities is limited solely to that reporting requirement.
- Made technical revisions.

B. Amendments:

None.

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LEGISLATIVE ACTION

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

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

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Subsection (3) is added to section 180.19, Florida Statutes, to read:

180.19 Use by other municipalities and by individuals outside corporate limits.—

(3)(a) A new agreement, or an extension, renewal, or material amendment of an existing agreement, to provide

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electric, water, or sewer utility service at retail pursuant to subsection (1) must be in writing. Such agreement may not become effective before an appointed representative of the municipality that provides the service or intends to provide service, in conjunction with the governing body of each municipality and unincorporated area served or to be served, has participated in a public meeting. Such meeting is not required to be a separate public meeting, but it must be held within each municipality and unincorporated area served or to be served for purposes of providing information and soliciting public input on:

1. The nature of the services to be provided or changes to the services being provided;

2. The rates, fees, and charges to be imposed for the services provided or intended to be provided, including any differential with the rates, fees, and charges imposed for the same services on customers located within the boundaries of the serving municipality, the basis for the differential, and the length of time that the differential is expected to exist;

3. The extent to which revenues generated from the provision of the services will be used to fund or finance nonutility government functions or services; and

4. Any other matter deemed relevant by the parties to the agreement.

(b) Rates, fees, and charges imposed for water or sewer utility services provided pursuant to subsection (1) must comply with s. 180.191.

(c) A representative of each municipality that provides electric, water, or sewer utility services pursuant to subsection (1), in conjunction with the governing body of each

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municipality and unincorporated area in which it provides services, shall annually conduct a public customer meeting. Such meeting is not required to be a separate public meeting, but must be held within each municipality and unincorporated area for purposes of soliciting public input on utility-related matters, including fees, rates, charges, and services.

(d) As used in this subsection, the term:

1. "Appointed representative" means an executive-level leadership employee of a municipality, or of such municipality's related and separate utility authority, board, or commission, specifically appointed by the governing body to serve as its representative for the purposes of this subsection.

2. "Governing body" means a:

a. Governing body of a municipality in which services are provided or proposed to be extended; or

b. Board of county commissioners of a county in which services are provided or proposed to be extended, if services are provided or proposed to be extended in an unincorporated area within the county.

Section 2. Subsection (1) of section 180.191, Florida Statutes, is amended to read:

180.191 Limitation on rates charged consumer outside city limits.—

(1) Any municipality within this ~~the~~ state operating a water or sewer utility outside of the boundaries of such municipality shall charge consumers outside the boundaries rates, fees, and charges determined in one of the following manners:

(a) It may charge the same rates, fees, and charges as

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consumers inside the municipal boundaries. ~~However, in addition thereto, the municipality may add a surcharge of not more than 25 percent of such rates, fees, and charges to consumers outside the boundaries.~~ Fixing of such rates, fees, and charges in this manner may ~~shall~~ not require a public hearing except as may be provided for service to consumers inside the municipality.

(b) It may charge rates, fees, and charges that are just and equitable and which are based on the same factors used in fixing the rates, fees, and charges for consumers inside the municipal boundaries. ~~In addition thereto, the municipality may add a surcharge not to exceed 25 percent of such rates, fees, and charges for said services to consumers outside the boundaries. However, the total of all~~ Such rates, fees, and charges for the services to consumers outside the boundaries may ~~shall~~ not be more than 25 ~~50~~ percent in excess of the rates, fees, and charges ~~total amount~~ the municipality charges consumers served within the municipality for corresponding service. ~~No~~ Such rates, fees, and charges may not ~~shall~~ be fixed until after a public hearing at which all of the users of the water or sewer systems; owners, tenants, or occupants of property served or to be served thereby; and all others interested shall have an opportunity to be heard concerning the proposed rates, fees, and charges. Any change or revision of such rates, fees, or charges may be made in the same manner as such rates, fees, or charges were originally established, but if such change or revision is to be made substantially pro rata as to all classes of service, both inside and outside the municipality, no hearing or notice shall be required.

(c) Notwithstanding paragraphs (a) and (b), a municipality

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may continue to impose a surcharge on consumers outside the municipal boundaries only to the extent necessary to comply with the terms of bond covenants in effect as of July 1, 2024. Such surcharges must be phased out upon retirement, expiration, or refinancing of the applicable debt obligation.

Section 3. Effective July 1, 2027, section 180.192, Florida Statutes, is created to read:

180.192 Reporting requirements related to municipal utility service.—

(1) By January 1, 2028, and annually thereafter, each municipality that provides electric, water, or sewer utility services outside of its municipal boundaries shall provide a report to the Florida Public Service Commission which identifies, for each type of utility service provided by the municipality:

(a) The number and percentage of customers that receive utility services provided by the municipality at a location outside the boundaries of the municipality;

(b) The volume and percentage of sales made to such customers, and the gross revenues generated from such sales; and

(c) Whether the rates, fees, and charges imposed on customers that receive services at a location outside the municipality's boundaries are different than the rates, fees, and charges imposed on customers within the boundaries of the municipality, and, if so, the amount and percentage of the differential.

(2) By March 31, 2028, and annually thereafter, the commission shall compile the information provided pursuant to subsection (1) and submit a report containing that information

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to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

(3) Notwithstanding s. 367.171, the commission shall have jurisdiction over all utilities identified in subsection (1) for the limited purpose of enforcing the requirements of this section. This section does not otherwise modify or extend the authority of the commission provided by law with respect to any municipal utility that is required to comply with subsection (1).

Section 4. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2026.

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

And the title is amended as follows:

Delete everything before the enacting clause and insert:

A bill to be entitled

An act relating to utility services; amending s. 180.19, F.S.; requiring that a new agreement, or an extension, renewal, or material amendment of an existing agreement, to provide certain utility services at retail be in writing; requiring that certain public meetings be held as a condition precedent to the effectiveness of a new or extended agreement under which a municipality will provide specified utility services in other municipalities or unincorporated areas; specifying requirements for such public meetings; requiring a representative from certain municipalities to annually conduct public

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customer meetings; providing requirements for such meetings; defining the terms "appointed representative" and "governing body"; amending s. 180.191, F.S.; revising provisions relating to permissible rates, fees, and charges imposed by municipal water and sewer utilities on consumers located outside the municipal boundaries; authorizing a municipality to continue to impose a surcharge on certain consumers for a specified purpose; requiring the phase-out of such surcharges upon retirement, expiration, or refinancing of the applicable debt obligation; creating s. 180.192, F.S.; requiring municipalities that provide specified utility services to report certain information by a specified date, and annually thereafter, to the Florida Public Service Commission; requiring the commission to compile such information and submit a report by a specified date, and annually thereafter, to the Governor and the Legislature; authorizing commission jurisdiction over specified utilities; providing construction; providing effective dates.

By Senator Martin

33-01421-26 20261724__

A bill to be entitled

An act relating to utility services; amending s. 180.19, F.S.; requiring certain public meetings as a condition precedent to the effectiveness of a new or extended agreement under which a municipality will provide specified utility services in other municipalities or unincorporated areas; requiring that such agreements be written; specifying the matters to be addressed at such public meetings; requiring annual public customer meetings; defining the terms "appointed representative" and "governing body"; limiting the portion of certain utility revenues which a municipality may use to fund or finance general government functions; requiring that excess revenues be reinvested into the municipal utility or returned to customers; amending s. 180.191, F.S.; revising provisions relating to permissible rates, fees, and charges imposed by municipal water and sewer utilities on customers located outside the municipal boundaries; creating s. 180.192, F.S.; requiring municipalities that provide specified utility services to report certain information by a specified date, and annually thereafter, to the Florida Public Service Commission; requiring the commission to compile such information and submit a report by a specified date, and annually thereafter, to the Governor and the Legislature; providing construction; providing effective dates.

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

33-01421-26 20261724__

Section 1. Subsections (3) and (4) are added to section 180.19, Florida Statutes, to read:

180.19 Use by other municipalities and by individuals outside corporate limits.—

(3)(a) A new agreement, or an extension, renewal, or material amendment of an existing agreement, to provide electric, natural gas, water, or sewer utility service at retail pursuant to subsection (1) must be written. Such agreement may not become effective before an appointed representative of the municipality that provides the service or intends to provide service, in conjunction with the governing body of each municipality and unincorporated area served or to be served, has participated in a public meeting, which is not required to be a separate public meeting, within each municipality and unincorporated area served or to be served for purposes of providing information and soliciting public input on:

1. The nature of the services to be provided or changes to the services being provided;

2. The rates, fees, and charges to be imposed for the services provided or intended to be provided, including any differential with the rates, fees, and charges imposed for the same services on customers located within the boundaries of the serving municipality, the basis for the differential, and the length of time that the differential is expected to exist;

3. The extent to which revenues generated from the provision of the services will be used to fund or finance nonutility government functions or services; and

4. Any other matter deemed relevant by the parties to the

agreement.

(b) Rates, fees, and charges imposed for water or sewer utility services provided pursuant to subsection (1) must comply with s. 180.191.

(c) A representative of each municipality that provides electric, natural gas, water, or sewer utility services pursuant to subsection (1), in conjunction with the governing body of each municipality and unincorporated area in which it provides services, shall annually conduct a public customer meeting, which is not required to be a separate public meeting, within each municipality and unincorporated area for purposes of soliciting public input on utility-related matters, including fees, rates, charges, and services.

(d) For purposes of this subsection, the term:

1. "Appointed representative" means an executive-level leadership employee of a municipality, or of such municipality's related and separate utility authority, board, or commission, specifically appointed by the governing body to serve as its representative for the purposes of this subsection.

2. "Governing body" means a:

a. Governing body of a municipality in which services are provided or proposed to be extended; or

b. Board of county commissioners of a county in which services are provided or proposed to be extended, if services are provided or proposed to be extended in an unincorporated area within the county.

(4) A municipality that generates revenue from the provision of electric, natural gas, water, or sewer utility services to locations beyond its corporate limits may not use

more than 10 percent of the gross revenues generated from such services to fund or finance general government functions. After the transfer of such revenues to fund or finance general government functions, if any revenues generated from such services remain after payment of the municipal utility's costs to provide services, these excess revenues must be reinvested into the municipal utility or returned to customers who received service at locations beyond the municipality's corporate limits.

Section 2. Subsection (1) of section 180.191, Florida Statutes, is amended to read:

180.191 Limitation on rates charged consumer outside city limits.—

(1) Any municipality within this ~~the~~ state operating a water or sewer utility outside of the boundaries of such municipality shall charge consumers outside the boundaries rates, fees, and charges determined in one of the following manners:

(a) It may charge the same rates, fees, and charges as consumers inside the municipal boundaries. ~~However, in addition thereto, the municipality may add a surcharge of not more than 25 percent of such rates, fees, and charges to consumers outside the boundaries.~~ Fixing of such rates, fees, and charges in this manner may ~~shall~~ not require a public hearing except as may be provided for service to consumers inside the municipality.

(b)1. It may charge rates, fees, and charges that are just and equitable and which are based on the same factors used in fixing the rates, fees, and charges for consumers inside the municipal boundaries. ~~In addition thereto, the municipality may add a surcharge not to exceed 25 percent of such rates, fees,~~

~~and charges for said services to consumers outside the boundaries. However, the total of all~~ Such rates, fees, and charges for the services to consumers outside the boundaries may ~~shall~~ not be more than 25 ~~50~~ percent in excess of the rates, fees, and charges ~~total amount~~ the municipality charges consumers served within the municipality for corresponding service. ~~No~~ Such rates, fees, and charges may not ~~shall~~ be fixed until after a public hearing at which all of the users of the water or sewer systems; owners, tenants, or occupants of property served or to be served thereby; and all others interested shall have an opportunity to be heard concerning the proposed rates, fees, and charges. Any change or revision of such rates, fees, or charges may be made in the same manner as such rates, fees, or charges were originally established, but if such change or revision is to be made substantially pro rata as to all classes of service, both inside and outside the municipality, no hearing or notice shall be required.

2. Any municipality within this state operating a water or sewer utility that provides services to consumers within the boundaries of a separate municipality through the use of a water treatment plant or sewer treatment plant located within the boundaries of that separate municipality may charge consumers in the separate municipality no more than the rates, fees, and charges imposed on consumers inside its own municipal boundaries.

Section 3. Effective July 1, 2027, section 180.192, Florida Statutes, is created to read:

180.192 Reporting requirements related to municipal utility service.—

(1) By January 1, 2028, and annually thereafter, each municipality that provides electric, natural gas, water, or sewer utility services pursuant to s. 180.191(1) shall provide a report to the Florida Public Service Commission which identifies, for each type of utility service provided by the municipality:

(a) The number and percentage of customers that receive utility services provided by the municipality at a location outside the boundaries of the municipality;

(b) The volume and percentage of sales made to such customers, and the gross revenues generated from such sales; and

(c) Whether the rates, fees, and charges imposed on customers that receive services at a location outside the municipality's boundaries are different than the rates, fees, and charges imposed on customers within the boundaries of the municipality, and, if so, the amount and percentage of the differential.

(2) By March 31, 2028, and annually thereafter, the commission shall compile the information provided pursuant to subsection (1) and submit a report containing this information to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

(3) This section does not modify or extend the authority of the commission otherwise provided by law with respect to any municipal utility that is required to comply with subsection (1).

Section 4. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2026.

THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Criminal Justice, *Chair*
Appropriations Committee on Criminal and Civil Justice, *Vice Chair*
Appropriations
Appropriations Committee on Transportation, Tourism, and Economic Development
Banking and Insurance
Rules
Transportation

SENATOR JONATHAN MARTIN
33rd District

February 2, 2026

Chair Jennifer Bradley
Committee on Regulated Industries
404 South Monroe Street
Tallahassee, FL 32399

RE: SB 1724 Utility Services

Dear Chair Bradley,

Please allow this letter to serve as my respectful request to place SB 1724 Utility Services.

SB 1724 Utility Services requires certain public meetings as a condition precedent to the effectiveness of a new or extended agreement under which a municipality will provide specified utility services in other municipalities or unincorporated areas. It limits the portion of certain utility revenues which a municipality may use to fund or finance general government functions; revising provisions relating to permissible rates, fees, and charges imposed by municipal water and sewer utilities on customers located outside the municipal boundaries; requiring municipalities that provide specified utility services to report certain information by a specified date, and annually thereafter, to the Florida Public Service Commission.

Your kind consideration of this request is greatly appreciated. Please feel free to contact my office for any additional information.

Sincerely,

Jonathan Martin
Senate District 33

REPLY TO:
❒ 2000 Main Street, Suite 401, Fort Myers, Florida 33901 (239) 338-2570
❒ 311 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5033

Senate's Website: *www.flsenate.gov*

BEN ALBRITTON
President of the Senate

JASON BRODEUR
President Pro Tempore

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

2-3-26
Meeting Date

Reg. Indus
Committee

1724
Bill Number or Topic

Amendment Barcode (if applicable)

Name Rebecca O'Hara

Phone 850-222-9684

Address PO Box 1757
Street

Email rohara@flcities.com

Talla. FL 32302-1757
City *State* *Zip*

Speaking: ☐ For ☐ Against ☒ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☒ I am a registered lobbyist, representing:
Fla League of Cities

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022JointRules.pdf (flsenate.gov)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

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.)

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

BILL:	CS/SB 1014
INTRODUCER:	Regulated Industries Committee and Senator Mayfield
SUBJECT:	Provision of Municipal Utility Service to Owners Outside the Municipal Limits
DATE:	February 4, 2026
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Schrader	Imhof	RI	**Fav/CS**
2.			CA	
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1014 prohibits municipal water and wastewater utilities from declining to extend water or wastewater service to a property outside of the corresponding municipality's corporate limits solely based on the owner of such property's refusal to allow the property to be annexed by the municipality. In addition, the bill creates a procedure and requirements to determine when such utilities must extend service to a customer outside the municipality's corporate limits.

II. Present Situation:

Florida Public Service Commission

The Florida Public Service Commission (PSC) is an arm of the legislative branch of government.[1] The role of the PSC is to ensure Florida's consumers receive utility services, including electric, natural gas, telephone, water, and wastewater, in a safe and reliable manner and at fair prices.[2] In order to do so, the PSC exercises authority over utilities in one or more of the following areas: rate base or economic regulation; competitive market oversight; and monitoring of safety, reliability, and service issues.[3]

[1] Section 350.001, F.S.
[2] *See* Florida Public Service Commission, *Florida Public Service Commission Homepage*, http://www.psc.state.fl.us (last visited Dec. 3, 2025).
[3] Florida Public Service Commission, *About the PSC*, https://www.psc.state.fl.us/about (last visited Dec. 3, 2025).

Water and Wastewater Utilities

Florida's Water and Wastewater System Regulatory Law, ch. 367, F.S., regulates water and wastewater systems in the state. Section 367.011, F.S., grants the PSC exclusive jurisdiction over each utility with respect to its authority, service, and rates. For the chapter, a "utility" is defined as "a water or wastewater utility and, except as provided in s. 367.022, F.S., includes every person, lessee, trustee, or receiver owning, operating, managing, or controlling a system, or proposing construction of a system, who is providing, or proposes to provide, water or wastewater service to the public for compensation." In 2024, the PSC had jurisdiction over 153 investor-owned water and/or wastewater utilities in 40 of Florida's 67 counties.[4]

Section 367.022, F.S., exempts certain types of water and wastewater operations from PSC jurisdiction and the provisions of ch. 367, F.S. (except as expressly provided in the chapter). Such exempt operations include: municipal water and wastewater systems, public lodging systems that only provide service to their guests, systems with a 100-person or less capacity, landlords that include service to their tenants without specific compensation for such service, and mobile home parks operating both as a mobile home park and a mobile home subdivision that provide "service within the park and subdivision to a combination of both tenants and lot owners, provided that the service to tenants is without specific compensation," and others.[5] The PSC also does not regulate utilities in counties that have exempted themselves from PSC regulation pursuant to s. 367.171, F.S. However, under s. 367.171(7), F.S., the PSC retains exclusive jurisdiction over all utility systems whose service crosses county boundaries, except for utility systems that are subject to interlocal utility agreements.

Municipal Water and Sewer Utilities in Florida

A municipality[6] may establish a utility by resolution or ordinance under s. 180.03, F.S. A municipality may establish a service area within its municipal boundary or within five miles of its corporate limits of the municipality.[7]

Under s. 180.19, F.S., a municipality may permit another municipality and the owners or association of owners of lands outside of its corporate limits or within another municipality's corporate limits to connect to its utilities upon such terms and conditions as may be agreed upon between the municipalities.

Municipal Water and Sewer Utility Rate Setting

The PSC does not have jurisdiction over municipal water and sewer utilities, and as such, has no authority over the rates for such utilities. Municipally-owned water and sewer utility rates, revenues, and territories are regulated by their respective local governments, sometimes through a utility board or commission.

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[4] Florida Public Service Commission, *2025 Facts and Figures of the Florida Utility Industry*, p. 4, https://www.floridapsc.com/pscfiles/website-files/PDF/Publications/Reports/General/FactsAndFigures/April%202025.pdf (last visited Jan. 29, 2026).
[5] Section 367.022, F.S.
[6] Defined by s. 180.01, F.S., "as any city, town, or village duly incorporated under the laws of the state."
[7] Section 180.02, F.S., *see also* s. 180.06, F.S.

Municipal Water and Sewer Utility Rates for Customers Outside of Corporate Limits

Section 180.191, F.S., provides limitations on the rates that can be charged to customers outside their municipal boundaries. A municipality may charge the same rates outside as inside its municipal boundaries, but may add a surcharge of not more than 25 percent to those outside the boundaries.[8] The fixing of rates, fees, or charges for customers outside of the municipal boundaries, in this manner, does not require a public hearing.

Alternatively, a municipality may charge rates that are just and equitable and based upon the same factors used in fixing the rates for the customers within the boundaries of the municipality. In addition, the municipality may add a 25 percent surcharge. When a municipality uses this methodology, the total of all rates, fees, and charges for the services charged to customers outside the municipal boundaries may not be more than 50 percent in excess of the total amount the municipality charges consumers within its municipal boundaries, for corresponding service.[9] Under this scenario, the rates, fees, and charges may not be set until a public hearing is held and the users, owners, tenants, occupants of property served or to be served, and all other interested parties have an opportunity to be heard on the rates, fees, and charges. Any change in the rates, fees, and charges must also have a public hearing unless the change is applied pro rata to all classes of service, both inside and outside of the municipality.[10]

The provisions of s. 180.191, F.S., may be enforced by civil action. Whenever any municipality violates, or if reasonable grounds exist to believe that a municipality is about to violate, s. 180.191, F.S., an aggrieved party may seek preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order.[11] A prevailing party under such an action may seek treble damages and, in addition, a reasonable attorney's fee as part of the cost.[12] Section 180.191, F.S., applies to municipally owned water and sewer utilities within the confines of a single county and may apply, pursuant to interlocal agreement, to municipally owned water and sewer utilities beyond the confines of a single county.

Municipal Annexation

A municipality may propose to annex any area of contiguous, compact, unincorporated territory by ordinance or may be petitioned for annexation by owner(s) of "contiguous... and reasonably compact" real property.[13] An area is considered "contiguous" if a substantial part of its boundary is coterminous with a part of the boundary of the municipality.[14] An area is compact if it is concentrated in a single area and does not create enclaves, pockets, or finger areas.[15] All lands to be annexed must be in the same county as the annexing municipality.[16]

[8] Section 180.191(1)(a), F.S.
[9] Section 180.191(1)(b), F.S.
[10] *Id.*
[11] Section 180.191(2), F.S.
[12] Section 180.191(4), F.S.
[13] Sections. 171.0413(1) and 171.044(1), F.S.
[14] Section 171.031(11), F.S.
[15] Section 171.031(12), F.S.
[16] Section 171.045, F.S.

The exact method of municipal annexation is proscribed by general law and includes involuntary and voluntary means of producing new municipal boundaries. Voluntary annexation, as provided by law, does not apply to municipalities in counties with charters which provide for an exclusive method of municipal annexation.[17] In such cases, the means established by county charter prevail.

III. Effect of Proposed Changes:

Section 1 of the bill amends s. 180.19, F.S., to prohibit municipal water and wastewater utilities (municipal utility) from declining to extend water or wastewater service to a property outside of the corresponding municipality's corporate limits solely based on the owner of such property's refusal to allow the property to be annexed by the municipality. In addition, the bill creates a procedure and requirements to determine when municipal utilities must extend service to a customer outside the municipality's corporate limits. Specifically, a municipal utility must extend service if:

- The property is not within the service territory of another water or wastewater utility, as applicable;
- The municipal utility has sufficient capacity to serve the property's anticipated water or wastewater load, as applicable; or
- The property is within one-half mile of a main line of the municipal utility[18], measured by the closest property boundary line from such main line.

A municipal utility is deemed to have sufficient capacity if it has the infrastructure, water supply, and managerial and financial ability to reliably meet current and reasonably anticipated future water demands and treat wastewater flows while maintaining compliance with applicable state and federal drinking water and wastewater standards and requirements.

The section provides that, upon an application for service by a property owner pursuant to the section, the municipal utility must:

- Determine within 90 days whether it has sufficient capacity to provide service to the given property.[19]
- Provide the owner, in writing, with its determination and the reasons for such determination.
- If the municipal utility has sufficient capacity, it must provide the owner with the anticipated fees, charges, contributions, and any other requirements to connect the property to the municipal utility under its existing fee, charge, and contribution structure.

Once the requirements are met by the customer, the municipal utility must connect them in a timely manner with its system and provide service.

For such applications, the municipal utility may establish minimum application requirements that include the customer providing a reasonable estimate of their water and wastewater load, the nature of any property development, and the payment of an application fee to cover the

[17] Section 171.044(4), F.S.
[18] The bill defines a "main line" as "a pipe or conduit that transports wastewater from, or transports potable water to, lateral lines serving multiple properties. The term does not include lateral lines, service connections, customer-owned plumbing or piping located on private property, or any pipe or conduit serving only a single property."
[19] The determination may account for any anticipated development on such property.

reasonable costs associated with conducting the capacity determination and assessing anticipated fees, charges, contributions, and other requirements to potentially connect the property.

If a municipal utility does not allow such customers to connect to their system in violation of the section, the owner may bring a civil enforcement action to enforce the provisions of the bill. If the property owner prevails in the action, they may seek injunctive relief and recover reasonable attorney fees and court costs from the municipal utility. The court is required to order the municipal utility to connect to the property.

Section 2 provides an effective date of the bill of 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 section 180.19 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

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

CS by Regulated Industries on February 3, 2026

The committee substitute amended SB 1014 by modifying the types of facilities and the proximity that trigger the bill's requirements. As originally filed, the bill required a municipal utility to extend service to a property—upon application and subject to certain conditions—if the property in question was located within 2,000 meters of a facility of that municipal utility. The amendment narrows the scope to only main water and wastewater lines of the municipal utility and reduces the distance to one-half mile.

B. Amendments:

None.

214004

LEGISLATIVE ACTION

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

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

Senate Amendment

Delete lines 33 - 73
and insert:
2. "Main line" means a pipe or conduit that transports wastewater from, or transports potable water to, lateral lines serving multiple properties. The term does not include lateral lines, service connections, customer-owned plumbing or piping located on private property, or any pipe or conduit serving only a single property.

214004

3. "Sufficient capacity" means a water or sewer utility having, as applicable, the infrastructure, water supply, and managerial and financial ability to reliably meet current and reasonably anticipated future water demands and treat wastewater flows while maintaining compliance with applicable state and federal drinking water and wastewater standards and requirements.

(b) A municipal utility may not decline to extend service to property outside of its corporate limits on the sole basis that the owner refuses to assent or otherwise consent to such property being annexed by that municipal utility's controlling municipality.

(c) Upon application for service by an owner, a municipal utility must expand its service territory to allow an owner whose property is located outside of the municipal utility's service territory to connect to the municipal utility if:

1. The property is not within the service territory of another water or wastewater utility, as applicable;

2. The municipal utility has sufficient capacity to serve the property's anticipated water or wastewater load, as applicable; or

3. The property is within one-half mile of a main line of the municipal utility, measured by the closest property boundary line from such main line.

970382

LEGISLATIVE ACTION

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

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

Senate Amendment

Delete lines 33 - 73
and insert:
2. "Main line" means a pipe or conduit that transports wastewater from, or transports potable water to, lateral lines serving multiple properties. The term does not include lateral lines, service connections, customer-owned plumbing or piping located on private property, or any pipe or conduit serving only a single property.

970382

3. "Municipal utility" means a water or sewer utility constituted on the basis of subsection (1) or subsection (2).

4. "Owner" means a property owner or association of property owners.

5. "Property" means lots or lands, or, in the case of an association of property owners, the contiguous group of lots or lands under the association of property owners.

6. "Sufficient capacity" means a water or sewer utility having, as applicable, the infrastructure, water supply, and managerial and financial ability to reliably meet current and reasonably anticipated future water demands and treat wastewater flows while maintaining compliance with applicable state and federal drinking water and wastewater standards and requirements.

(b) A municipal utility may not decline to extend service to property outside of its corporate limits on the sole basis that the owner refuses to assent or otherwise consent to such property being annexed by that municipal utility's controlling municipality.

(c) Upon application for service by an owner, a municipal utility must expand its service territory to allow an owner whose property is located outside of the municipal utility's service territory to connect to the municipal utility if:

1. The property is not within the service territory of another water or wastewater utility, as applicable;

2. The municipal utility has sufficient capacity to serve the property's anticipated water or wastewater load, as applicable; or

3. The property is within one-half mile of a main line of

970382

the municipal utility, measured by the closest property boundary line from such main line.

By Senator Mayfield

19-01658-26 20261014__

A bill to be entitled

An act relating to the provision of municipal utility service to owners outside the municipal limits; amending s. 180.19, F.S.; defining terms; prohibiting a municipal utility from declining to extend service to properties outside its corporate limits under certain circumstances; requiring a municipal utility to expand its service to an owner who makes such a request under certain circumstances; requiring the municipal utility to make a determination within a specified timeframe and provide such determination to the owner in writing; requiring the municipal utility to provide the owner with specified information and to connect properties in a timely manner; providing minimum application filing requirements; authorizing owners to bring a civil action to enforce the act; authorizing a prevailing owner to collect certain fees and costs; requiring the court to order the utility to connect a prevailing owner's property; providing construction; providing an effective date.

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

Section 1. Subsection (3) is added to section 180.19, Florida Statutes, to read:

180.19 Use by other municipalities and by individuals outside corporate limits.—

(3)(a) As used in this subsection, the term:

1. "Controlling municipality" means a municipality

19-01658-26 20261014__

operating a utility pursuant to subsection (1) or a municipality that has granted a utility a privilege or franchise pursuant to subsection (2).

2. "Facility" means:

a. A water treatment facility, a wastewater treatment facility, an intake station, a pumping station, a well, and other physical components of a water or wastewater system;

b. Pipes, tanks, pumps, or other facilities that transport water from a water source or treatment facility to the consumer; and

c. Pipes, conduits, and associated appurtenances that transport wastewater from the point of entry to a wastewater treatment facility.

3. "Municipal utility" means a water or sewer utility constituted on the basis of subsection (1) or subsection (2).

4. "Owner" means a property owner or association of property owners.

5. "Property" means lots or lands, or, in the case of an association of property owners, the contiguous group of lots or lands under the association of property owners.

6. "Sufficient capacity" means a water or sewer utility having, as applicable, the infrastructure, water supply, and managerial and financial ability to reliably meet current and reasonably anticipated future water demands and treat wastewater flows while maintaining compliance with applicable state and federal drinking water and wastewater standards and requirements.

(b) A municipal utility may not decline to extend service to property outside of its corporate limits on the sole basis

that the owner refuses to assent or otherwise consent to such property being annexed by that municipal utility's controlling municipality.

(c) Upon application for service by an owner, a municipal utility must expand its service territory to allow an owner whose property is located outside of the municipal utility's service territory to connect to the municipal utility if:

1. The property is not within the service territory of another water or wastewater utility, as applicable;

2. The municipal utility has sufficient capacity to serve the property's anticipated water or wastewater load, as applicable; or

3. The property is within 2,000 meters of the municipal utility's facility, measured by the closest property boundary line from such facility.

(d) Upon application by an owner pursuant to paragraph (c), the municipal utility must:

1. Within 90 days after receiving the application, determine whether it has sufficient capacity to provide service to the given property. Such determination may account for any anticipated development on such property. The municipal utility must provide, in writing, the owner with its determination and the reasons for such determination.

2. If the municipal utility has sufficient capacity to serve the property, it must provide the owner with the anticipated fees, charges, contributions, and any other requirements to connect the property to the municipal utility under its existing fee, charge, and contribution structure.

3. Upon satisfaction of the requirements set forth by the

municipal utility pursuant to subparagraph 2., the municipal utility shall connect the property to its system in a timely manner.

(e) A municipal utility may establish reasonable minimum filing requirements for an application submitted pursuant to paragraph (c), including:

1. A reasonable estimate of the anticipated water and wastewater load for the property, including accounting for any anticipated development on such property;

2. The nature of any anticipated development on such property; and

3. An application fee to cover the reasonable costs associated with conducting the capacity determination and assessing anticipated fees, charges, contributions, and other requirements, pursuant to subparagraphs (d)1. and 2.

(f) If a municipal utility does not allow an owner to connect with such utility in violation of this subsection, the owner may bring a civil action to enforce this subsection in any court of competent jurisdiction. If the owner prevails in such enforcement action:

1. The owner may recover reasonable attorney fees and court costs from the municipal utility; and

2. The court shall order the municipal utility to connect to the owner's property in question.

(g) This subsection may not be construed to prevent a municipal utility from collecting any rate, fee, charge, or contribution authorized under law, including those authorized pursuant to s. 180.191.

Section 2. This act shall take effect July 1, 2026.

THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

SENATOR DEBBIE MAYFIELD
19th District

COMMITTEES:
Governmental Oversight and Accountability, *Chair*
Environment and Natural Resources, *Vice Chair*
Appropriations Committee on Transportation, Tourism, and Economic Development
Commerce and Tourism
Finance and Tax
Fiscal Policy
Regulated Industries

SELECT COMMITTEE:
Joint Select Committee on Collective Bargaining, Alternating *Chair*

JOINT COMMITTEE:
Joint Committee on Public Counsel Oversight

January 8, 2026

Senator Jennifer Bradley, Chair
Committee on Regulated Industries
Room 406, Senate Building
404 South Monroe Street
Tallahassee, FL 32399-1100

Dear Chair Bradley,

I respectfully request that you place Senate Bill 1014 – Provision of Municipal Utility Service to Owners Outside the Municipal Limits on the agenda for your next committee meeting. Senate Bill 1014 requires a municipal water or sewer utility to allow a property owner outside of their municipal limits to connect, so long as certain requirements are met.

The bill specifies that the utility must have sufficient capacity, the existing service lines must be within 2,000 meters of the property, and the property owner must pay for the connection costs and any applicable fees.

Thank you for your consideration of this request.

Sincerely,

Debbie Mayfield,
State Senator, District 19

CC: Booter Imhof, Staff Director
Susan Datres, Committee Administrative Assistant
Mary Lee, Legislative Aide

REPLY TO:
❒ 900 East Strawbridge Avenue, Room 408, Melbourne, Florida 32901 (321) 409-2025
❒ 302 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5019

Senate's Website: *www.flsenate.gov*

BEN ALBRITTON
President of the Senate

JASON BRODEUR
President Pro Tempore

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

2-3-26
Meeting Date

Reg Indus
Committee

1014
Bill Number or Topic

Amendment Barcode (if applicable)

Name Rebecca O'Hara Phone 850-222-9684

Address PO Box 1757 Email rohara@flcities.com
Street

Talla. FL 32302-1757
City State Zip

Speaking: ☐ For ☒ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☒ I am a registered lobbyist, representing: Fla League of Cities

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022JointRules.pdf (flsenate.gov)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

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.)

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

BILL:	CS/SB 1498
INTRODUCER:	Regulated Industries Committee and Senator Bradley
SUBJECT:	Community Associations
DATE:	February 3, 2026
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Oxamendi	Imhof	RI	**Fav/CS**
2.			AEG	
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/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. 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 duplicates a provision from the Condominium Act to explicitly state that the official records of homeowners' associations are open to inspection by any association member and any person authorized by an association member as a representative of such member at all reasonable times.

The bill requires condominium and homeowners' associations to provide law enforcement agencies and prosecuting agencies, such as state attorneys and state and local prosecutors, with records requested by those agencies in response to a subpoena or written request for records. Under the bill, condominium and homeowners' associations are required to assist law enforcement agencies and prosecuting agencies in their investigations to the extent permissible by law. Current law provides a comparable provision requiring homeowners' associations to respond to a subpoena from law enforcement. This bill expands that provision to include prosecuting agencies and adds a requirement to respond to a written request for records.

The bill also creates a misdemeanor of the second-degree criminal violation if a director, member of the board of the association, or a community association manager willfully and knowingly fails to provide a copy of records, or otherwise fails to make the records available for inspection and copying, to a law enforcement agency or prosecuting agency after receipt of a subpoena or written request.

The bill conforms the criminal prohibitions for violating condominium and homeowners' association provisions related to the right of a unit owner to inspect and copy official records of condominium and homeowners' associations.

The bill revises several provisions in ch. 720, F.S., relating to homeowners' associations to codify the holding in the recent court case, *Avatar v. Gundel*, which struck down a provision in a homeowners' association's governing documents that imposed mandatory assessments for "expenses" to fund profits for developer-controlled recreational facilities, by:

- Prohibiting provisions in governing documents requiring association members to pay an assessment for a mandatory membership in a club under the control of the developer or an owner other than the association as against public policy;
- Redefining the term "common area" to include any area for which the developer or other owner requires the association to pay assessments or amenity fees for use or maintenance, and recreational facilities in the governing documents;

- Redefining the term "governing documents" to include all covenants that run with the land and are binding on the association or its members;
- Providing that assessments payable to the developer may not exceed a member's proportional share of expenses set forth in the annual budget of the association;
- Clarifying that the association and its members may sue the developer or other owner of a common area;
- Requiring, after turnover, that the developer or other owner of a common area convey title to the association for any common area not already in the association's name;
- Requiring the owner of a common area or recreational facility to annually prepare the required financial reports that conform to the same type of financial statement that the association serving the residential subdivision is required to prepare or cause to be prepared under s. 720.303(7)(a), F.S., which specifies, based on the association's annual revenue, the type of financial detail the association's annual financial statements must provide;
- Requiring delivery of the financial report and a written notice that a copy of the financial report is available upon request at no charge to the parcel owner; and
- Requiring delivery of the financial report to be made by mail to each lot or parcel owner in the subdivision, publication in a publication regularly distributed within the subdivision, and posting in prominent locations in the subdivision.

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,[1] recordkeeping requirements, including which records are accessible to the members of the association,[2] and financial reporting.[3] 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 (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,"[4] 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

[1] *See* ss. 718.112(2) and 719.106(2)(c), F.S., for condominium and cooperative associations, respectively.
[2] *See* ss. 718.111(12) and 719.104(2), F.S., for condominium and cooperative associations, respectively.
[3] *See* ss. 718.111(13) and 719.104(4), F.S., for condominium and cooperative associations, respectively.
[4] Section 718.103(11), F.S.

elements, and members of the condominium association.[5] For unit owners, membership in the association is an unalienable right and required condition of unit ownership.[6]

A condominium association is administered by a board of directors referred to as a "board of administration."[7] 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.[8]

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.[9] 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.[10]

Homeowners' Associations

Chapter 720, F.S., provides statutory recognition to corporations that operate residential communities in Florida as well as procedures for operating homeowners' associations. These laws protect the rights of association members without unduly impairing the ability of such associations to perform their functions.[11]

A "homeowners' association" is defined as a:[12]

> Florida corporation responsible for the operation of a community or a mobile home subdivision in which the voting membership is made up of

[5] *See* s. 718.103, F.S., for the terms used in the Condominium Act.
[6] *Id.*
[7] Section 718.103(4), F.S.
[8] Section 718.103(2), F.S.
[9] *See Walters v. Agency for Health Care Administration*, 288 So.3d 1215 (Fla. 3d DCA 2019), *review dismissed* 2020 WL 3442763 (Fla. 2020).
[10] *See* ss. 719.106(1)(g) and 719.107, F.S.
[11] *See* s. 720.302(1), F.S.
[12] Section 720.301(9), F.S.

> parcel owners or their agents, or a combination thereof, and in which membership is a mandatory condition of parcel ownership, and which is authorized to impose assessments that, if unpaid, may become a lien on the parcel.

Unless specifically stated to the contrary in the articles of incorporation, homeowners' associations are also governed by ch. 607, F.S., relating to for-profit corporations, or by ch. 617, F.S., relating to not-for-profit corporations.[13]

Homeowners' associations are administered by a board of directors that is elected by the members of the association.[14] The powers and duties of homeowners' associations include the powers and duties provided in ch. 720, F.S., and in the governing documents of the association, which include a recorded declaration of covenants, bylaws, articles of incorporation, and duly-adopted amendments to these documents.[15] The officers and members of a homeowners' association have a fiduciary relationship to the members who are served by the association.[16]

Unlike condominium associations, homeowners' associations are not regulated by a state agency. Section 720.302(2), F.S., expresses the legislative intent regarding the regulation of homeowners' associations:

> The Legislature recognizes that it is not in the best interest of homeowners' associations or the individual association members thereof to create or impose a bureau or other agency of state government to regulate the affairs of homeowners' associations. However, in accordance with s. 720.311, [F.S.,] the Legislature finds that homeowners' associations and their individual members will benefit from an expedited alternative process for resolution of election and recall disputes and presuit mediation of other disputes involving covenant enforcement and authorizes the department to hear, administer, and determine these disputes as more fully set forth in this chapter. Further, the Legislature recognizes that certain contract rights have been created for the benefit of homeowners' associations and members thereof before the effective date of this act and that ss. 720.301-720.407[, F.S.], are not intended to impair such contract rights, including, but not limited to, the rights of the developer to complete the community as initially contemplated.

The Division of Florida Condominiums, Timeshares, and Mobile Homes (division) within the Department of Business the Professional Regulation has limited regulatory authority over homeowners' associations. The division's authority is limited to the arbitration of recall election disputes.[17]

The governing documents of a homeowners' association are:[18]

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[13] Section 720.302(5), F.S.
[14] *See* ss. 720.303 and 720.307, F.S.
[15] *See* ss. 720.301 and 720.303, F.S.
[16] Section 720.303(1), F.S.
[17] Section 720.306(9)(c), F.S.
[18] Section 720.301(8), F.S.

- The recorded declaration of covenants for a community and all duly adopted and recorded amendments, supplements, and recorded exhibits thereto; and
- The articles of incorporation and bylaws of the homeowners' association and any duly adopted amendments thereto.

Section 720.301(3), F.S., defines a "community" as the real property that is or will be subject to a declaration of covenants which is recorded in the county where the property is located. The term "includes all real property, including undeveloped phases, that is or was the subject of a development-of-regional-impact development order, together with any approved modification thereto."

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[19] will provide written notice of the required inspection to the association.[20]

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.[21] 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.[22]

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.

[19] 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."
[20] Section 553.899(3), F.S.
[21] Section 553.899(3)(b), F.S.
[22] Section 553.899(3)(c), F.S.

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.[23] 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.[24] 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.[25]

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.[26]
- 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 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.

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[23] Section 553.899(2)(a), F.S.
[24] *Id.*
[25] *Id.*
[26] Section 533.899(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."

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.[27]

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.[28]

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.[29]

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.[30]

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."

[27] *See* s. 718.112(2)(f) and 719.106(1)(j), F.S., relating to reserves requirements for condominium and cooperative associations, respectively.
[28] *Id.*
[29] Sections 718.112(2)(f) and 719.106(1)(j), F.S., relating to condominium and cooperative associations, respectively.
[30] *See* ss. 718.112(2)(g) and 719.106(1)(k), F.S., relating to SIRS requirements for condominium and cooperative associations, respectively.

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:

- 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.[31]

[31] Sections 718.112(2)(g)10. and 719.106(1)(k)10., F.S., relating to condominium and cooperative associations, respectively.

Additional Issues

For ease of reference to each of the topics addressed in the bill, the Present Situation for each topic will be described in Section III of this analysis, followed immediately by an associated section detailing the Effect of Proposed Changes.

III. Effect of Proposed Changes:

Recording Board meeting Conducted by Video Conferences – Condominiums

Present Situation

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.

Effect of Proposed Changes

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

Present Situation

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.

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.

Effect of Proposed Changes

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

SIRS - Condominiums and Cooperatives

Present Situation

As noted above, condominium and cooperative associations existing on or before July 1, 2022, that are controlled by non-developer unit owners, are required 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.

Effect of Proposed Changes

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

Present Situation

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.[32]

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.[33]

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 giving consent.[34] 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.[35]

[32] Section 718.128(3), F.S.
[33] Section 718.128(3), F.S.
[34] Section 718.128(4), F.S.
[35] Section 718.128(5), F.S.

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.[36]
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:[37]

- 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.[38]
- 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:[39]

- 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.

Effect of Proposed Changes

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.

The bill corrects the cross-reference in s. 718.128(7)(b), F.S., to s. 718.112(2)(d)3., F.S., which references the secrecy of ballots, in place of s. 718.112(2)(d)4., F.S., which relates to notice requirements for meetings.

Access to Official Records – Condominium and Homeowners' Associations

Present Situation

Condominium and homeowners' associations must maintain specified official records.[40] Certain of these records must be accessible to the members of an association when a member of the

[36] Section 718.128(6), F.S.
[37] Sections 718.128(7(a) and (b)), F.S.
[38] 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.
[39] Section 718.128(7)(c), F.S.
[40] Section 718.111(12)(a), F.S., relating to condominium associations, and s. 720.303(4), F.S., relating to homeowners' associations.

association or a representative of the owners makes a written request to inspect and copy the records.[41] Additionally, certain records are protected or restricted from disclosure to members, such as records protected by attorney-client privilege, personnel records, and personal identifying records of owners.[42]

Criminal Prohibitions

Section 718.112(2)(c)2., F.S., provides that a director or member of the board of a condominium association or a community association manager who "willfully and knowingly or intentionally violates" the provisions related to the right of a unit owner to inspect and copy official records of the association commits a misdemeanor of the second degree[43] and must be removed from office and a vacancy declared.[44]

However, s. 720.303(5)(d), F.S., provides that any director or member of the board of a homeowners' association or a community association manager who knowingly and willfully, and repeatedly violates the provision related to the right of a unit owner to inspect and copy official records of the association, with the intent of causing harm to the association or one or more of its members, commits a misdemeanor of the second degree. The term "repeatedly" is defined to mean two or more violations within a 12-month period.

Section 718.112(2)(c)4., F.S., provides that a person who willfully and knowingly or intentionally refuses to release or otherwise produce condominium association records with the intent to avoid or escape detection, arrest, trial, or punishment for the commission of a crime, or to assist another person with such avoidance or escape, commits a felony of the third degree[45] and must be removed from office and a vacancy declared.

Section 720.303(5)(f), F.S., provides that any person who willfully and knowingly refuses to release or otherwise produce association records with the intent to avoid or escape detection, arrest, trial, or punishment for the commission of a crime, or to assist another person with such avoidance or escape, commits a felony of the third degree.

Section 720.303(5)(i), F.S., provides that, if a homeowners' association receives a subpoena for records from a law enforcement agency, the association must provide a copy of such records or otherwise make the records available for inspection and copying to a law enforcement agency within 5 business days after receipt of the subpoena, unless otherwise specified by the law

[41] Section 718.111(12)(c), F.S., relating to condominium associations, and s. 720.303(5), F.S., relating to homeowners' associations.
[42] Section 718.111(12)(c)5., F.S., relating to condominium associations, and s. 720.303(5)(g), F.S., relating to homeowners' associations.
[43] Section 775.082, F.S., provides that a misdemeanor of the second degree is punishable by a term of imprisonment not to exceed 60 days. Section 775.083, F.S. provides that a misdemeanor of the second degree is punishable by a fine not to exceed $500.
[44] See s. 718.112(2)(q), F.S., relating to condominium associations, and s. 720.3033(4), F.S., relating to homeowners' associations, provide that an officer or director of a condominium or homeowners' association, respectively, who is charged by information or indictment of violating any of the criminal prohibitions in the applicable chapter must be removed from office.
[45] Section 775.082, F.S., provides that a felony of the third degree is punishable by a term of imprisonment not to exceed five years. Section 775.083, F.S., provides that a felony of the third degree is punishable by a fine not to exceed $5,000.

enforcement agency or subpoena. In addition, associations must assist a law enforcement agency with investigations to the extent permissible by law. Chapter 718, F.S., does not have a comparable provision for condominium associations.

Effect of Proposed Changes

The bill revises several provisions in chs. 718 and 720, F.S., to conform criminal provisions related to denying an owner's right to inspect and copy official records of condominium and homeowners' associations, respectively.

The criminal prohibition in s. 718.111(12)(c)2., F.S., relating to condominium associations, is amended by the bill to provide that a director or member of the board or association or a community association manager who willfully and knowingly violates access to official records requirements in this paragraph commits a misdemeanor of the second degree. The bill deletes the requirement that the violation must be intentional.

The comparable provision for homeowners' associations in s. 720.303(5)(d), F.S., is amended by the bill to delete the requirements that a person must repeatedly violate the access to official records requirements in this subsection. The bill also deletes the provision defining the term "repeatedly" to mean two or more times within a 12-month period.

The criminal prohibition in s. 718.111(12)(c)4., F.S., relating to condominium associations, is amended by the bill to provide that a person commits a misdemeanor of the second degree if they willfully and knowingly refuse to release or otherwise produce association records with the intent to avoid or escape detection, arrest, trial, or punishment for the commission of a crime, or to assist another person with such avoidance or escape. The bill deletes the requirement that the violation must be intentional.

The comparable criminal prohibition in s. 720.303(5)(f), F.S., relating to homeowners, is substantively identical to s. 718.111(12)(c)4., F.S., as amended by the bill.

The bill amends s. 720.303(5)(a), F.S., to provide that the official records of homeowners' associations are open to inspection by any association member and any person authorized by an association member as a representative of such member at all reasonable times.

The bill amends s. 720.303(5)(i)1., F.S., to require homeowners' associations to provide law enforcement agencies and prosecuting agencies as defined in s. 112.531, F.S., with records requested by those agencies in response to a subpoena or written request for records. Current law only requires homeowners' associations to provide records in response to a subpoena from a law enforcement agency. Under the bill, associations must provide the records within 5 business days after receipt of the subpoena, unless otherwise specified by the law enforcement agency, prosecuting agency, or subpoena or written request, and must assist a law enforcement agency and a prosecting agency in its investigation to the extent permissible by law.

The bill also creates s. 720.303(5)(i)2., F.S., to provide that a director or member of the board or association or a community association manager who willfully and knowingly fails to provide a

copy of records, or otherwise fails to make the records available for inspection and copying, to a law enforcement agency or prosecuting agency commits a misdemeanor of the second degree.

The bill creates s. 718.111(12)(c)6.a., F.S., to provide a requirement for condominium associations that is identical to that provided by the bill in s. 720.303(5)(i)1., F.S.
The bill also creates s. 718.111(12)(c)6.b., F.S., to provide a criminal prohibition in the context of condominium associations that is identical to that provided by the bill in s. 720.303(5)(i)2., F.S., for homeowners' associations.

Homeowners' Association Amenities and Assessments

Present Situation

Definitions

The governing documents of a homeowners' association describe the manner in which expenses are shared.

Section 720.301(1), F.S., defines the term "assessment" or "amenity fee" to mean

> …a sum or sums of money payable to the association, to the developer or other owner of common areas, or to recreational facilities and other properties serving the parcels by the owners of one or more parcels as authorized in the governing documents, which if not paid by the owner of a parcel, can result in a lien against the parcel.

Section 720.308(1), F.S., provides that assessments levied to members must be in the member's proportional share.

Section 720.301(2), F.S., defines the term "common area" means all real property within a community which is owned or leased by an association or dedicated for use or maintenance by the association or its members, including, regardless of whether title has been conveyed to the association:

- Real property the use of which is dedicated to the association or its members by a recorded plat; or
- Real property committed by a declaration of covenants to be leased or conveyed to the association.

Section 720.301(8), F.S., defines the term "governing documents" to mean:

- The recorded declaration of covenants for a community and all duly adopted and recorded amendments, supplements, and recorded exhibits thereto; and
- The articles of incorporation and bylaws of the homeowners' association and any duly adopted amendments thereto.

Financial Reporting for Common Areas and Recreational Facilities

Section 720.3086, F.S., requires the developer of a subdivision or the owners of the common areas, recreational facilities, and other properties serving the lots or parcels to complete an

annual financial report of the receipts of mandatory maintenance or amenity fees received and an itemized listing of the resulting expenditures. Within 60 days following the end of each fiscal year, the report must be made public by:

- Mailing it to each lot or parcel owner in the subdivision;
- Publishing it in a publication regularly distributed within the subdivision; or
- Posting it in prominent locations in the subdivision.

Section 720.3086, F.S., does not apply to amounts paid to homeowners associations pursuant to ch. 617, F.S., relating to corporations not for profit, ch. 718, F.S., relating to condominium associations, ch. 719, F.S., relating to cooperative associations, ch. 721, F.S., relating to vacation and timeshare plans, or ch. 723, F.S., relating to mobile home park tenancies, or to amounts paid to local governmental entities, including special districts.

In contrast, every homeowners' association is required to prepare an annual budget that sets out the annual operating expenses. Within 21 days after the final financial report is completed by the association or received from the third party, but not later than 120 days after the end of the fiscal year or other date as provided in the bylaws, the association must provide each member with:

- A copy of the annual financial report; or
- A written notice that a copy of the financial report is available upon request at no charge to the member.

The financial statements for homeowners' associations[46] must be based upon the association's total annual revenues, as follows:[47]

- An association with total annual revenues of $150,000 or more, but less than $300,000, shall prepare compiled financial statements.
- An association with total annual revenues of at least $300,000, but less than $500,000, must prepare reviewed financial statements.
- An association with total annual revenues of $500,000 or more must prepare audited financial statements.
- An association with at least 1,000 parcels must prepare audited financial statements, notwithstanding the association's total annual revenues.

Avatar Properties, Inc. v. Gundel

The recent case of *Avatar Properties, Inc. v. Gundel*[48] *(Avatar)* involved the developer of a community that required homeowners to pay "club" assessments that included (1) actual expense assessments and (2) a club membership fee that generated pure profit for the developer. Homeowners could have their homes be foreclosed if they failed to pay any of these fees. The club was not controlled by the homeowners' association. The court case revolved around the question of whether such mandatory assessments for "expenses" could include funds that

[46] Section 718.111(13), F.S., provides comparable requirements for financial statements by condominium associations.
[47] See National Council of Nonprofits, *What is a Review or Compilation?* at https://www.councilofnonprofits.org/running-nonprofit/nonprofit-audit-guidec/what-review-or-compilation (last visited Jan. 31, 2026), explaining the different types of financial statements.
[48] *Avatar Properties, Inc., v. Gundel*, 372 So.3d 715 (Fla. 6th DCA 2023).

ultimately result in profits for a third party which operates recreational facilities in the community, such as club houses, restaurants, and pools.

In *Avatar*, the court held that ch. 720, F.S., applies to the community structure at issue, and the statutory limits on assessments govern what can be imposed on homeowners because, under s. 720.308, F.S., assessments are allowed only for a proportionate share of actual expenses, not for a guaranteed profit to the developer.

Although the court held in *Avatar* for the nondeveloper homeowners seeking to have the fees generating profits struck down, there remains some uncertainty regarding the legality of such fees due to the varied nature of these contractual relationships throughout the state in different associations.

Effect of Proposed Changes

The bill revises several provisions in ch. 720, F.S., relating to homeowners' association, to codify the holding in Avatar v. Gundel, which struck down a provision in an association's governing documents that imposed mandatory assessments for "expenses" to fund profits for developer-controlled recreational facilities in the community.

Definitions

The bill amends s. 720.301(2), F.S., to revise the definition of the term "common area" to include:

- Real property for which the developer or other owner of common areas has required, in the governing documents or otherwise, the association or its members to pay assessments or amenity fees for use or maintenance; and
- Recreational facilities and other properties serving the parcels which the governing documents allow the owner of a parcel to access, use, or enjoy as a benefit of parcel ownership.

The bill amends s. 720.301(8), F.S., to revise the definition of the term "governing documents" to include all covenants running with the land that are binding on the association or its members.

Applicability of Ch. 720, F.S.

The bill amends s. 720.3052(3)(b), F.S., to revise the exemption from the applicability of ch. 720, F.S., for commercial or industrial parcels in a community that contains both residential parcels and parcels intended for commercial or industrial use to provide that this exemption does not affect the applicability of ch. 720, F.S., to any residential parcel, common area, and the developer or other owner of a common area.

Right to Sue

The bill amends s. 720.305(1), F.S., to provide that an association or any of its members has the right to initiate actions at law or equity, or both, to redress an alleged failure or refusal to comply with the provisions of ch. 720, F.S., against the developer or other owner of a common area

regardless of whether the developer or other owner of common areas is a member of the association. Current law only references the right to sue the association, a member, any director or officer of an association who willfully and knowingly fails to comply with these provisions, and any tenants, guests, or invitees occupying a parcel or using the common areas.

Transition of Association Control

The bill amends s. 720.307(4), F.S., relating to the documents that a developer must, at their own expense, deliver to the board of directors of the homeowners' association within 90 days after the time the members are entitled to elect at least a majority of the board of directors. The bill amends this provision to require the developer or other owner of any common area to convey to the association all deeds to common area property owned by the association and for any common area not already titled in the association's name. Current law only references the delivery by developers of deeds for association property.

The bill requires the developer to deliver to the association all tangible property for which the association or its members, through assessments or other mandatory payments under the governing documents, are responsible for the cost of operation and maintenance. Current law only requires the developer to deliver all tangible property of the association.

The bill also amends s. s. 720.307(4)(t), F.S., relating to the financial records, including financial statements, that the developer must deliver to the association after turnover of control of the association to the non-developer parcel owners, to include financial records for common areas.

Prohibited Clauses in Association Documents

The bill amends s. 720.3075(1), F.S., which declares that the public policy of Florida prohibits the enforcement of certain types of clauses in association documents, to include prohibitions against enforcing provisions that:

- Require the association or its members to pay an assessment for mandatory membership in a club under the control and ownership of the developer or any person other than the association, and which provide that nonpayment of such mandatory fee is enforceable by the developer, or any person other than the association, by a lien on any individual parcel; and
- Prohibit or restrict the association or any of its members from filing or prospectively waiving the ability to protest or seek any remedy for a violation of ch. 720, F.S.

Assessments

The bill creates s. 720.308(1)(e), F.S., to provide that assessments payable to the developer or other owner of a common area shall not exceed the member's proportional share of the expenses set forth in the annual budget approved by the association.

Financial Report for Common Areas and Recreational Facilities

The bill amends s. 720.3086, F.S., to revise the requirements for the financial statements that owners of common areas and recreational facilities and other properties serving the lots or parcels must annually provide to parcel or lot owners. The bill requires that the financial report

must conform to the same type of financial statement that the association serving the residential subdivision is required to prepare or cause to be prepared under s. 720.303(7)(a), F.S.

The bill also requires the owners of common areas and recreational facilities to deliver to parcel and lot owners the financial report and a written notice that a copy of the financial report is available upon request at no charge to the parcel owner. The delivery must be made by mail to each lot or parcel owner in the subdivision, publication in a publication regularly distributed within the subdivision, and posting in prominent locations in the subdivision. Current law only requires the financial report to be delivered by mail or by posting on in prominent locations in the subdivision. Current law also does not require the delivery of a written notice stating that a copy of the financial report is available upon request at no charge to the parcel or lot owner.

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, 718.111, 718.112, 718.128, 719.106, 720.301, 720.302, 720.303, 720.305, 720.307, 720.3075, 720.308, and 720.3086.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Regulated Industries on February 3, 2026:
The committee substitute:

- Corrects the cross-reference in s. 718.128(7)(b), F.S., to s. 718.112(2)(d)3., F.S., from s. 718.112(2)(d)4., F.S.
- Amends the criminal prohibition in s. 718.111(12)(c)2., F.S.
- Amends the criminal prohibition in s. 718.112(2)(c)4., F.S.
- Creates s. 718.111(12)(c)6.a., F.S., to require homeowners' associations to provide law enforcement agencies and prosecuting agencies as defined in s. 112.531, F.S., with records requested by those agencies in response to a subpoena or written request for records.
- Creates s. 718.111(12)(c)6.b., F.S., to provide that a director or member of the board or association or a community association manager who willfully and knowingly fails to provide a copy of records, or to otherwise fails to make the records available for inspection and copying, to a law enforcement agency or prosecuting agency commits a misdemeanor of the second degree.
- Amends s. 720.303(5)(a), F.S., to provide that the official records of homeowners' associations are open to inspection by any association member and any person authorized by an association member as a representative of such member at all reasonable times.
- Amends the criminal prohibition in s. 720.303(5)(d), F.S.
- Amends the criminal prohibition in s. 720.303(5)(f), F.S.
- Amends s. 720.303(5)(i)1., F.S., to require homeowners' associations to provide law enforcement agencies and prosecuting agencies as defined in s. 112.531, F.S., with records requested by those agencies in response to a subpoena or written request for records.

- Creates s. 720.303(5)(i)2., F.S., to provide that a director or member of the board or association or a community association manager who willfully and knowingly fails to provide a copy of records, or to otherwise make the records available for inspection and copying, to a law enforcement agency or prosecuting agency commits a misdemeanor of the second degree.
- Amends s. 720.301(2), F.S., to revise the definition of the term "common area."
- Amends s. 720.301(8), F.S., to revise the definition of the term "governing documents."
- Amends s. 720.3052(3)(b), F.S., to revise an exemption from the applicability of ch. 720, F.S.
- Amends s. 720.305(1), F.S., to provide that an association or any of its members has the right to initiate actions at law or equity, or both, to redress alleged an failure or refusal to comply with the provisions of ch. 720, F.S., against the developer or other owner of a common area regardless of whether the developer or other owner of common areas is a member of the association.
- Amends s. 720.307(4), F.S., to revise the documents that a developer must deliver to the board of directors of the homeowners' association after turnover of control of the association to the non-developer homeowners.
- Amends s. 720.3075(1), F.S., to revise the prohibition against the enforcement of certain types of clauses in association documents.
- Creates s. 720.308(1)(e), F.S., to provide that assessments payable to the developer or other owner of a common area shall not exceed the member's proportional share of the expenses set forth in the annual budget approved by the association.
- Amends s. 720.3086, F.S., to revise the requirements for the financial statements that owners of common areas and recreational facilities and other properties serving the lots or parcels must annually provide to parcel or lot owners.

B. Amendments:

None.

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LEGISLATIVE ACTION

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

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

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

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

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

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

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

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

718.111 The association.—

(12) OFFICIAL RECORDS.—

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

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

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

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

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

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

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

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

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

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

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

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indicate the compensation paid to an association employee.

d. Medical records of unit owners.

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

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

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

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

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

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

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

718.112 Bylaws.—

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

(g) *Structural integrity reserve study.*—

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

condominium property that is three habitable stories or higher in height, as determined by the Florida Building Code, which includes, at a minimum, a study of the following items as related to the structural integrity and safety of the building:

a. Roof.

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

c. Fireproofing and fire protection systems.

d. Plumbing.

e. Electrical systems.

f. Waterproofing and exterior painting.

g. Windows and exterior doors.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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Statutes, is amended to read:

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

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

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

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

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

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

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

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

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

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

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

719.106 Bylaws; cooperative ownership.—

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

(k) *Structural integrity reserve study.*—

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

a. Roof.

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

c. Fireproofing and fire protection systems.

d. Plumbing.

e. Electrical systems.

f. Waterproofing and exterior painting.

g. Windows and exterior doors.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(8) "Governing documents" means:

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

(b) The articles of incorporation and bylaws of the

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homeowners' association and any duly adopted amendments thereto; and

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

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

720.302 Purposes, scope, and application.—

(3) This chapter does not apply to:

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

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

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

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

(5) INSPECTION AND COPYING OF RECORDS.—

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

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

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

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~~period.~~

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

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

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

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

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

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(a) The association;

(b) A member;

(c) Any director or officer of an association who willfully and knowingly fails to comply with these provisions; ~~and~~

(d) Any tenants, guests, or invitees occupying a parcel or using the common areas; and

(e) The developer or other owner of a common area, regardless of whether the developer or other owner of common areas is a member of the association.

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

Section 10. Paragraphs (a), (k), and (t) of subsection (4) of section 720.307, Florida Statutes, are amended to read:

720.307 Transition of association control in a community.—With respect to homeowners' associations:

(4) At the time the members are entitled to elect at least a majority of the board of directors of the homeowners' association, the developer shall, at the developer's expense, within no more than 90 days deliver the following documents to the board:

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

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

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

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

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

720.3075 Prohibited clauses in association documents.—

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

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

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

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

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

720.308 Assessments and charges.—

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

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

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

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

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

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

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823
824 ================ T I T L E A M E N D M E N T ================
825 And the title is amended as follows:
826 Delete everything before the enacting clause
827 and insert:
828 A bill to be entitled
829 An act relating to community associations; amending s.
830 718.103, F.S.; revising the definition of the term
831 "video conference"; amending s. 718.111, F.S.;
832 revising conditions that constitute a violation of
833 certain provisions related to certain records of the
834 condominium association; requiring an association to
835 provide copies of records of the condominium
836 association within a specified timeframe if the
837 association receives a subpoena from a law enforcement
838 agency or prosecuting agency; requiring the
839 association to assist law enforcement or prosecuting
840 agencies in their investigations; providing criminal
841 penalties; amending s. 718.112, F.S.; revising a
842 requirement that a developer, before turning over
843 control of a condominium association to its unit
844 owners, have a turnover inspection report for all
845 buildings on the condominium property, rather than
846 buildings that are three stories or higher in height;
847 revising the criteria for certain associations
848 requiring a structural integrity reserve study;
849 correcting a cross-reference; amending s. 718.128,
850 F.S.; revising how associations that have not adopted
851 electronic voting must receive electronically

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

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

By Senator Bradley

6-01113C-26 20261498__

A bill to be entitled

An act relating to community associations; amending s. 718.103, F.S.; revising the definition of the term "video conference"; amending s. 718.112, F.S.; revising a requirement that a developer, before turning over control of a condominium association to its unit owners, have a turnover inspection report for all buildings on the condominium property, rather than buildings that are three stories or higher in height; revising the criteria for certain associations requiring a structural integrity reserve study; amending s. 718.128, F.S.; revising how associations that have not adopted electronic voting must receive electronically transmitted ballots; revising how a unit owner may transmit his or her ballot; conforming provisions to changes made by the act; amending s. 719.106, F.S.; revising a requirement that a developer, before turning over control of a cooperative association to unit owners, have a turnover inspection report for all buildings on the cooperative property, rather than buildings that are three stories or higher in height; revising the criteria for certain associations requiring a structural integrity reserve study; providing an effective date.

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

Section 1. Subsection (33) of section 718.103, Florida

6-01113C-26 20261498__

Statutes, is amended to read:

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

(33) "Video conference" means a real-time audio- and video-based meeting between two or more people in different locations using video-enabled and audio-enabled devices. The notice for any meeting that is open to the unit owners and will be conducted by video conference must have a hyperlink and call-in conference telephone number for unit owners to attend the meeting and must have a physical location where unit owners can also attend the meeting in person. All meetings conducted by video conference which are open to the unit owners must be recorded, and such recording must be maintained as an official record of the association.

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

718.112 Bylaws.—

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

(g) *Structural integrity reserve study.*—

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

a. Roof.

b. Structure, including load-bearing walls and other

primary structural members and primary structural systems as those terms are defined in s. 627.706.

c. Fireproofing and fire protection systems.

d. Plumbing.

e. Electrical systems.

f. Waterproofing and exterior painting.

g. Windows and exterior doors.

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

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

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

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

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

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

structural integrity reserve study must include a recommendation for a reserve funding schedule based on a baseline funding plan that provides a reserve funding goal in which the reserve funding for each budget year is sufficient to maintain the reserve cash balance above zero. The study may recommend other types of reserve funding schedules, provided that each recommended schedule is sufficient to meet the association's maintenance obligation.

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

c. The structural integrity reserve study must take into consideration the funding method or methods used by the association to fund its maintenance and reserve funding obligations through regular assessments, special assessments, lines of credit, or loans. If the structural integrity reserve study is performed before the association has approved a special

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

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

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

7. Associations existing on or before July 1, 2022, which are controlled by unit owners other than the developer, must have a structural integrity reserve study completed by December

31, 2025, for each building on the condominium property that is three habitable stories or higher in height. An association that is required to complete a milestone inspection in accordance with s. 553.899 on or before December 31, 2026, may complete the structural integrity reserve study simultaneously with the milestone inspection. In no event may the structural integrity reserve study be completed after December 31, 2026.

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

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

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

11. Within 45 days after receiving the structural integrity

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

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

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

Section 3. Subsection (7) of section 718.128, Florida Statutes, is amended to read:

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

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

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

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

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

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

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

WAIVING THE SECRECY OF YOUR BALLOT IS YOUR CHOICE. YOU DO NOT HAVE TO WAIVE THE SECRECY OF YOUR BALLOT IN ORDER TO VOTE. BY TRANSMITTING YOUR COMPLETED BALLOT

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

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

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

Section 4. Paragraph (k) 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:

(k) *Structural integrity reserve study.*—

1. A residential cooperative association must have a structural integrity reserve study completed at least every 10 years for each building on the cooperative property that is

three habitable stories or higher in height, as determined by the Florida Building Code, that includes, at a minimum, a study of the following items as related to the structural integrity and safety of the building:

a. Roof.

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

c. Fireproofing and fire protection systems.

d. Plumbing.

e. Electrical systems.

f. Waterproofing and exterior painting.

g. Windows and exterior doors.

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

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

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

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

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

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

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

c. The structural integrity reserve study must take into consideration the funding method or methods used by the

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

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

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

~~three stories or higher in height~~.

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

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

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

10. If the officers or directors of an association willfully and knowingly fail to complete a structural integrity reserve study pursuant to this paragraph, such failure is a breach of an officer's and director's fiduciary relationship to

the unit owners under s. 719.104(9). An officer or a director of the association must sign an affidavit acknowledging receipt of the completed structural integrity reserve study.

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

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

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

Section 5. This act shall take effect July 1, 2026.

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

2-3-26
Meeting Date

Reg. Industries
Committee

946314 / 1498
Bill Number or Topic

946314
Amendment Barcode (if applicable)

Name Travis Moore

Phone 727.421.6902

Address P.O. Box 2020
Street

Email travis@moore-relations.com

St. Pete FL 33731
City State Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☑ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☑ I am a registered lobbyist, representing: Community Associations Institute

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022JointRules.pdf (flsenate.gov)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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2/3/2026
Meeting Date

Regulated Industries Subcommittee
Committee

SB 1498
Bill Number or Topic

Amendment Barcode (if applicable)

Name LANDON GAINES

Phone 850-980-8686

Address 825 PINE BLUFF TRL
Street

Email LANDONGAINES@GMAIL.COM

TALL. FL. 32312
City State Zip

Speaking: ☑ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☑ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

February 3, 2026
Meeting Date

Regulated Industries
Committee

SB 1498
Bill Number or Topic

Amendment Barcode (if applicable)

Name Kelly Oakes

Phone 941-812-6557

Address 4846 Tobermory Way
Street

Email oakeskelly4@icloud.com

Bradenton FL 34211
City State Zip

Speaking: ☑ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☑ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

February 3, 2026
Meeting Date

Regulated Industries
Committee

SB1498
Bill Number or Topic

Amendment Barcode (if applicable)

Name Renee Tinaglia

Phone 720-352-7598

Address 10314 Eastwood Drive
Street

Email rvm1208@yahoo.com

Bradenton FL 34211
City *State* *Zip*

Speaking: ☑ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☑ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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This form is part of the public record for this meeting.

S-001 (08/10/2021)

CourtSmart Tag Report

Room: KB 412 **Case No.:** **Type:**
Caption: Senate Regulated Industries Committee **Judge:**

Started: 2/3/2026 1:02:57 PM
Ends: 2/3/2026 1:40:46 PM Length: 00:37:50

1:03:11 PM	Roll call
1:03:30 PM	A quorum is present
1:03:55 PM	SB 1724
1:04:14 PM	Motion to take up late-filed amendment barcode104676; no objection
1:04:37 PM	Sen Martin explains amendment
1:06:21 PM	no questions
1:06:43 PM	Rebecca O'Hara, Fla. League of Cities, speaking for information
1:08:34 PM	No debate
1:08:42 PM	Sen. Martin waives close
1:08:49 PM	Amendment adopted
1:08:57 PM	Sen. Pizzo question
1:09:13 PM	Sen. Martin responds
1:09:36 PM	Sen. Martin waives close on bill
1:09:51 PM	Bill reported favorable as CS
1:10:09 PM	SB 936
1:10:20 PM	Sen. McClain explains bill
1:11:02 PM	No questions
1:11:05 PM	No appearances
1:11:12 PM	Sen. McClain waives close
1:11:28 PM	Bill reported favorable
1:11:48 PM	SB 1014
1:11:56 PM	Sen. Mayfield explains bill
1:13:44 PM	Take up amendment barcode 970382
1:13:56 PM	Sen. Mayfield explains amendment
1:14:31 PM	No questions
1:14:37 PM	Sen. Mayfield waives close
1:14:45 PM	Amendment adopted
1:15:01 PM	Rebecca O'Hara speaks against
1:18:39 PM	Sen. Mayfield closes
1:19:50 PM	Bill reported favorable as CS
1:20:16 PM	Chair Bradley turns over gavel to Vice Chair Pizzo
1:20:23 PM	SB 1498
1:20:35 PM	Take up delete all amendment barcode 946314
1:20:53 PM	Sen. Bradley explains delete all
1:25:42 PM	No questions
1:25:52 PM	Travis Moore, National Assn. of Community Associations, waives in support
1:25:56 PM	Debate?
1:26:01 PM	Sen. Boyd comments
1:26:30 PM	Sen. Bradley waives close
1:26:37 PM	amendment adopted
1:26:48 PM	appearances
1:27:06 PM	Landon Gaines, homeowner, speaking in support
1:32:27 PM	Kelly Oakes, homeowner, speaking in support
1:36:03 PM	Comments by Vice Chair Pizzo
1:36:52 PM	Renee Tinaglia, homeowner, speaking in support, asks that handout be provided to committee members
1:37:13 PM	Sen. Boyd comments
1:37:52 PM	Sen. Bradley comments
1:39:12 PM	no debate
1:39:18 PM	Sen. Bradley to close
1:39:35 PM	Sen. Pizzo comments
1:39:51 PM	Bill reported favorable as CS
1:39:59 PM	Gavel back to Sen. Bradley

1:40:08 PM Sen. Bradley calls for votes after
1:40:38 PM Sen. Boyd moves to adjourn; meeting adjourned

THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Appropriations Committee on Pre-K - 12 Education, *Chair*
Appropriations
Appropriations Committee on Higher Education
Education Pre-K - 12
Military and Veterans Affairs, Space, and Domestic Security
Regulated Industries
Rules

JOINT COMMITTEE:
Joint Committee on Public Counsel Oversight

SENATOR DANNY BURGESS
23rd District

February 3rd, 2026

Senator Jennifer Bradley
Chair, Committee on Regulated Industries

Dear Chair Bradley,

I respectfully request an excusal from the February 3rd meeting of the Committee on Regulated Industries. Thank you for your consideration on this matter.

Sincerely,

Senator Danny Burgess
The Florida Senate
District 23

CC: Booter Imhof, Staff Director
CC: Susan Datres, Committee Administrative Assistant

REPLY TO:
❒ 38507 Fifth Avenue, Zephyrhills, Florida 33542 (813) 779-7059
❒ 411 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5023

Senate's Website: *www.flsenate.gov*

BEN ALBRITTON
President of the Senate

JASON BRODEUR
President Pro Tempore