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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/22/2024	.	
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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 (3) is added to section 468.4334,  
Florida Statutes, to read:

468.4334 Professional practice standards; liability.-

(3) A community association manager or a community  
association management firm shall return all community  
association official records within its possession to the



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11 community association or successor community association manager  
12 or community association management firm within 20 business days  
13 after termination of a contractual agreement to provide  
14 community association management services to the community  
15 association or receipt of a written request for return of the  
16 official records, whichever occurs first. The notice of  
17 termination must be sent by certified mail, return receipt  
18 requested, or in the manner required under the management  
19 services contract. The manager may retain, for up to 20 business  
20 days, those records necessary to complete an ending financial  
21 statement or report. Failure of the association to provide  
22 access or retention of accounting records to prepare the  
23 statement or report shall relieve the manager of any further  
24 responsibility or liability for preparation of the statement or  
25 report. Failure of a community association manager or a  
26 community association management firm to timely return all of  
27 the official records within its possession to the community  
28 association creates a rebuttable presumption that the community  
29 association manager or a community association management firm  
30 willfully failed to comply with this subsection. A community  
31 association manager or a community association management firm  
32 that fails to timely return community association records is  
33 subject to suspension of its license under s. 468.436, and a  
34 civil penalty of \$1,000 per day for up to 10 days, assessed  
35 beginning on the 21st business day after termination of a  
36 contractual agreement to provide community association  
37 management services to the community association or receipt of a  
38 written request from the association for return of the records,  
39 whichever occurs first.



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40 Section 2. Section 468.4335, Florida Statutes, is created  
41 to read:

42 468.4335 Conflicts of interest.—

43 (1) A community association manager or a community  
44 association management firm, including directors, officers,  
45 persons with a financial interest in a community association  
46 management firm, and the relatives of such persons, must provide  
47 a written disclosure to the board any activity that may  
48 reasonably be construed to be a conflict of interest. A  
49 rebuttable presumption of a conflict of interest exists if any  
50 of the following occurs without prior notice, as required in  
51 subsection (5):

52 (a) A community association manager or a community  
53 association management firm, including directors, officers,  
54 persons with a financial interest in a community association  
55 management firm, or the relative of such persons, enters into a  
56 contract with the association for goods or services, other than  
57 community association management services.

58 (b) A community association manager or a community  
59 association management firm, including directors, officers,  
60 persons with a financial interest in a community association  
61 management firm, or the relative of such persons, holds an  
62 interest in a corporation, limited liability corporation,  
63 partnership, limited liability partnership, or other business  
64 entity that conducts business with the association or proposes  
65 to enter into a contract or other transaction with the  
66 association.

67 (2) If the association receives and considers a bid to  
68 provide a good or service, other than community association



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69 management services, from a community association manager or a  
70 community association management firm, including directors,  
71 officers, persons with a financial interest in a community  
72 association management firm, or a relative of such persons, the  
73 association must also solicit multiple competitive bids from  
74 other third-party providers of such good or service.

75 (3) If a community association manager or a community  
76 association management firm, including directors, officers,  
77 persons with a financial interest in a community association  
78 management firm, or the relative of such persons, proposes to  
79 engage in an activity that is a conflict of interest as  
80 described in subsection (1), the proposed activity must be  
81 listed on, and all contracts and transactional documents related  
82 to the proposed activity must be attached to, the meeting  
83 agenda. The disclosures must be entered into the written minutes  
84 of the meeting. Approval of any contract or other transaction  
85 requires an affirmative vote of two-thirds of all directors  
86 present. At the next regular or special meeting of the members,  
87 the existence of any contract or other transaction must be  
88 disclosed to the members.

89 (4) If the board finds that a community association manager  
90 or a community association management firm, including directors,  
91 officers, persons with a financial interest in a community  
92 association management firm, or the relative of such persons,  
93 has violated this section, the association may cancel its  
94 community association management contract with the community  
95 association manager or the community association management  
96 firm. If the contract is canceled, the association is liable  
97 only for the reasonable value of the management services



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98 provided up to the time of cancellation and is not liable for  
99 any termination fee, liquidated damages, or other form of  
100 penalty for such cancellation.

101 (5) If an association enters into a contract, other than a  
102 contract for community association management services, with a  
103 community association manager or a community association  
104 management firm, including directors, officers, persons with a  
105 financial interest in a community association management firm,  
106 or the relative of such persons, which is a party to or has an  
107 interest in an activity that is a possible conflict of interest  
108 as described in subsection (1) and that activity has not been  
109 properly disclosed as a conflict of interest or potential  
110 conflict of interest as required by this section, the contract  
111 is voidable and terminates upon the association filing a written  
112 notice terminating the contract.

113 (6) As used in this section, the term "relative" means a  
114 relative within the third degree of consanguinity by blood or  
115 marriage.

116 (7) The procedures in subsections (2), (3), and (4) do not  
117 apply to any activities or the provision of goods and services  
118 that are disclosed in the management services contract as a  
119 conflict of interest within the meaning of subsection (1).

120 Section 3. Paragraph (b) of subsection (2) of section  
121 468.436, Florida Statutes, is amended to read:

122 468.436 Disciplinary proceedings.—

123 (2) The following acts constitute grounds for which the  
124 disciplinary actions in subsection (4) may be taken:

125 (b)1. Violation of ~~any provision of~~ this part.

126 2. Violation of any lawful order or rule rendered or



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127 adopted by the department or the council.  
128       3. Being convicted of or pleading nolo contendere to a  
129 felony in any court in the United States.  
130       4. Obtaining a license or certification or any other order,  
131 ruling, or authorization by means of fraud, misrepresentation,  
132 or concealment of material facts.  
133       5. Committing acts of gross misconduct or gross negligence  
134 in connection with the profession.  
135       6. Contracting, on behalf of an association, with any  
136 entity in which the licensee has a financial interest that is  
137 not disclosed.  
138       7. Failing to disclose any conflict of interest as required  
139 by s. 468.4335.  
140       8. Violating any provision of chapter 718, chapter 719, or  
141 chapter 720 during the course of performing community  
142 association management services pursuant to a contract with a  
143 community association as defined in s. 468.431(1).  
144       Section 4. Present subsections (19) through (32) of section  
145 718.103, Florida Statutes, are redesignated as subsections (20)  
146 through (33), respectively, a new subsection (19) is added to  
147 that section, and subsection (1) of that section is amended, to  
148 read:  
149       718.103 Definitions.—As used in this chapter, the term:  
150       (1) "Alternative funding method" means a method approved by  
151 the division for funding the capital expenditures and planned  
152 ~~deferred~~ maintenance obligations for a multicondominium  
153 association operating at least 25 condominiums which may  
154 reasonably be expected to fully satisfy the association's  
155 reserve funding obligations by the allocation of funds in the



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156 annual operating budget.

157 (19) "Hurricane protection" means hurricane shutters,  
158 impact glass, code-compliant windows or doors, and other code-  
159 compliant hurricane protection products used to preserve and  
160 protect the condominium property or association property.

161 Section 5. Paragraph (p) is added to subsection (4) of  
162 section 718.104, Florida Statutes, to read:

163 718.104 Creation of condominiums; contents of declaration.—  
164 Every condominium created in this state shall be created  
165 pursuant to this chapter.

166 (4) The declaration must contain or provide for the  
167 following matters:

168 (p) For both residential condominiums and mixed-use  
169 condominiums, a statement that specifies whether the unit owner  
170 or the association is responsible for the installation,  
171 maintenance, repair, or replacement of hurricane protection that  
172 is for the preservation and protection of the condominium  
173 property and association property.

174 Section 6. Paragraph (a) of subsection (1) and subsections  
175 (12), (13), and (15) of section 718.111, Florida Statutes, are  
176 amended, and subsection (16) is added to that section, to read:

177 718.111 The association.—

178 (1) CORPORATE ENTITY.—

179 (a) The operation of the condominium shall be by the  
180 association, which must be a Florida corporation for profit or a  
181 Florida corporation not for profit. However, any association  
182 which was in existence on January 1, 1977, need not be  
183 incorporated. The owners of units shall be shareholders or  
184 members of the association. The officers and directors of the



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185 association have a fiduciary relationship to the unit owners. It  
186 is the intent of the Legislature that nothing in this paragraph  
187 shall be construed as providing for or removing a requirement of  
188 a fiduciary relationship between any manager employed by the  
189 association and the unit owners. An officer, director, or  
190 manager may not solicit, offer to accept, or accept any thing or  
191 service of value or kickback for which consideration has not  
192 been provided for his or her own benefit or that of his or her  
193 immediate family, from any person providing or proposing to  
194 provide goods or services to the association. Any such officer,  
195 director, or manager who knowingly so solicits, offers to  
196 accept, or accepts any thing or service of value or kickback,  
197 for which consideration has not been provided for his or her own  
198 benefit or that of his or her immediate family, from any person  
199 providing or proposing to provide goods or services to the  
200 association commits a felony of the third degree, punishable as  
201 provided in s. 775.082, s. 775.083, or s. 775.084, shall be  
202 deemed removed from office and a vacancy declared, and is  
203 subject to a civil penalty pursuant to s. 718.501(1)(d) ~~and, if~~  
204 ~~applicable, a criminal penalty as provided in paragraph (d).~~  
205 However, this paragraph does not prohibit an officer, director,  
206 or manager from accepting services or items received in  
207 connection with trade fairs or education programs. An  
208 association may operate more than one condominium.

209 (12) OFFICIAL RECORDS.—

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

213 1. A copy of the plans, permits, warranties, and other



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214 items provided by the developer under s. 718.301(4).

215         2. A photocopy of the recorded declaration of condominium  
216 of each condominium operated by the association and each  
217 amendment to each declaration.

218         3. A photocopy of the recorded bylaws of the association  
219 and each amendment to the bylaws.

220         4. A certified copy of the articles of incorporation of the  
221 association, or other documents creating the association, and  
222 each amendment thereto.

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

224         6. A book or books that contain the minutes of all meetings  
225 of the association, the board of administration, and the unit  
226 owners.

227         7. A current roster of all unit owners and their mailing  
228 addresses, unit identifications, voting certifications, and, if  
229 known, telephone numbers. The association shall also maintain  
230 the e-mail addresses and facsimile numbers of unit owners  
231 consenting to receive notice by electronic transmission. The e-  
232 mail addresses and facsimile numbers are not accessible to unit  
233 owners if consent to receive notice by electronic transmission  
234 is not provided in accordance with sub-subparagraph (c)5.e.

235 ~~(e)3.e.~~ However, the association is not liable for an  
236 inadvertent disclosure of the e-mail address or facsimile number  
237 for receiving electronic transmission of notices.

238         8. All current insurance policies of the association and  
239 condominiums operated by the association.

240         9. A current copy of any management agreement, lease, or  
241 other contract to which the association is a party or under  
242 which the association or the unit owners have an obligation or



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243 responsibility.

244 10. Bills of sale or transfer for all property owned by the  
245 association.

246 11. Accounting records for the association and separate  
247 accounting records for each condominium that the association  
248 operates. Any person who knowingly or intentionally defaces or  
249 destroys such records, or who knowingly or intentionally fails  
250 to create or maintain such records, with the intent of causing  
251 harm to the association or one or more of its members, is  
252 personally subject to a civil penalty pursuant to s.

253 718.501(1)(d). The accounting records must include, but are not  
254 limited to:

255 a. Accurate, itemized, and detailed records of all receipts  
256 and expenditures.

257 b. All invoices, transaction receipts, or deposit slips  
258 that substantiate any receipt or expenditure of funds by the  
259 association.

260 c. A current account and a monthly, bimonthly, or quarterly  
261 statement of the account for each unit designating the name of  
262 the unit owner, the due date and amount of each assessment, the  
263 amount paid on the account, and the balance due.

264 ~~d.e.~~ All audits, reviews, accounting statements, structural  
265 integrity reserve studies, and financial reports of the  
266 association or condominium. Structural integrity reserve studies  
267 must be maintained for at least 15 years after the study is  
268 completed.

269 ~~e.d.~~ All contracts for work to be performed. Bids for work  
270 to be performed are also considered official records and must be  
271 maintained by the association for at least 1 year after receipt



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272 of the bid.

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

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

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

282 15. A copy of the inspection reports described in ss.  
283 553.899 and 718.301(4) (p) and any other inspection report  
284 relating to a structural or life safety inspection of  
285 condominium property. Such record must be maintained by the  
286 association for 15 years after receipt of the report.

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

288 17. All affirmative acknowledgments made pursuant to s.  
289 718.121(4) (c).

290 18. A copy of the investment policy statement adopted  
291 pursuant to paragraph (16) (c).

292 19. A copy of all building permits.

293 20. All other written records of the association not  
294 specifically included in the foregoing which are related to the  
295 operation of the association.

296 (b) The official records specified in subparagraphs (a)1.-  
297 6. must be permanently maintained from the inception of the  
298 association. Bids for work to be performed or for materials,  
299 equipment, or services must be maintained for at least 1 year  
300 after receipt of the bid. All other official records must be



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301 maintained within the state for at least 7 years, unless  
302 otherwise provided by general law. The official records must be  
303 maintained in a manner that facilitates inspection of the  
304 records by a unit owner. In the event that the records are lost,  
305 destroyed, or otherwise unavailable, the obligation to maintain  
306 official records includes a good faith obligation to recover  
307 those records as may be reasonably possible. The records of the  
308 association shall be made available to a unit owner within 45  
309 miles of the condominium property or within the county in which  
310 the condominium property is located within 10 working days after  
311 receipt of a written request by the board or its designee.  
312 However, such distance requirement does not apply to an  
313 association governing a timeshare condominium. This paragraph  
314 and paragraph (c) may be complied with by having a copy of the  
315 official records of the association available for inspection or  
316 copying on the condominium property or association property, or  
317 the association may offer the option of making the records  
318 available to a unit owner electronically via the Internet as  
319 provided under paragraph (g) or by allowing the records to be  
320 viewed in electronic format on a computer screen and printed  
321 upon request. The association is not responsible for the use or  
322 misuse of the information provided to an association member or  
323 his or her authorized representative in compliance with this  
324 chapter unless the association has an affirmative duty not to  
325 disclose such information under this chapter.

326 (c)1.a. The official records of the association are open to  
327 inspection by any association member and any person authorized  
328 by an association member as a representative of such member at  
329 all reasonable times. The right to inspect the records includes



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330 the right to make or obtain copies, at the reasonable expense,  
331 if any, of the member and of the person authorized by the  
332 association member as a representative of such member. A renter  
333 of a unit has a right to inspect and copy only the declaration  
334 of condominium, the association's bylaws and rules, and the  
335 inspection reports described in ss. 553.899 and 718.301(4) (p).  
336 The association may adopt reasonable rules regarding the  
337 frequency, time, location, notice, and manner of record  
338 inspections and copying but may not require a member to  
339 demonstrate any purpose or state any reason for the inspection.  
340 The failure of an association to provide the records within 10  
341 working days after receipt of a written request creates a  
342 rebuttable presumption that the association willfully failed to  
343 comply with this paragraph. A unit owner who is denied access to  
344 official records is entitled to the actual damages or minimum  
345 damages for the association's willful failure to comply. Minimum  
346 damages are \$50 per calendar day for up to 10 days, beginning on  
347 the 11th working day after receipt of the written request. The  
348 failure to permit inspection entitles any person prevailing in  
349 an enforcement action to recover reasonable attorney fees from  
350 the person in control of the records who, directly or  
351 indirectly, knowingly denied access to the records. If the  
352 requested records are posted on an association's website, or are  
353 available for download through an application on a mobile  
354 device, the association may fulfill its obligations as provided  
355 under this paragraph by directing all persons authorized to  
356 request access to official records pursuant to this paragraph to  
357 the website or mobile device application.

358 b. In response to a written request to inspect records, the



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359 association must simultaneously provide a checklist to the  
360 requestor of all records made available for inspection and  
361 copying. The checklist must also identify any of the  
362 association's official records that were not made available to  
363 the requestor. An association must maintain a checklist provided  
364 under this sub-subparagraph for 7 years. An association  
365 delivering a checklist pursuant to this sub-subparagraph creates  
366 a rebuttable presumption that the association has complied with  
367 this paragraph.

368 2. Any director or member of the board or association or a  
369 community association manager who knowingly, willfully, and  
370 repeatedly violates subparagraph 1. commits a misdemeanor of the  
371 second degree, punishable as provided in s. 775.082 or s.  
372 775.083, and shall be deemed removed from office and a vacancy  
373 declared. For purposes of this subparagraph, the term  
374 "repeatedly" means two or more violations within a 12-month  
375 period.

376 3.2- Any person who knowingly or intentionally defaces or  
377 destroys accounting records that are required by this chapter to  
378 be maintained during the period for which such records are  
379 required to be maintained, or who knowingly or intentionally  
380 fails to create or maintain accounting records that are required  
381 to be created or maintained, with the intent of causing harm to  
382 the association or one or more of its members, commits a  
383 misdemeanor of the first degree, punishable as provided in s.  
384 775.082 or 775.083, is personally subject to a civil penalty  
385 pursuant to s. 718.501(1)(d), and shall be deemed removed from  
386 office and a vacancy declared.

387 4. Any person who willfully and knowingly refuses to



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388 release or otherwise produce association records with the intent  
389 to avoid or escape detection, arrest, trial, or punishment for  
390 the commission of a crime, or to assist another person with such  
391 avoidance or escape, commits a felony of the third degree,  
392 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,  
393 and shall be deemed removed from office and a vacancy declared.

394 ~~5.3.~~ The association shall maintain an adequate number of  
395 copies of the declaration, articles of incorporation, bylaws,  
396 and rules, and all amendments to each of the foregoing, as well  
397 as the question and answer sheet as described in s. 718.504 and  
398 year-end financial information required under this section, on  
399 the condominium property to ensure their availability to unit  
400 owners and prospective purchasers, and may charge its actual  
401 costs for preparing and furnishing these documents to those  
402 requesting the documents. An association shall allow a member or  
403 his or her authorized representative to use a portable device,  
404 including a smartphone, tablet, portable scanner, or any other  
405 technology capable of scanning or taking photographs, to make an  
406 electronic copy of the official records in lieu of the  
407 association's providing the member or his or her authorized  
408 representative with a copy of such records. The association may  
409 not charge a member or his or her authorized representative for  
410 the use of a portable device. Notwithstanding this paragraph,  
411 the following records are not accessible to unit owners:

412 a. Any record protected by the lawyer-client privilege as  
413 described in s. 90.502 and any record protected by the work-  
414 product privilege, including a record prepared by an association  
415 attorney or prepared at the attorney's express direction, which  
416 reflects a mental impression, conclusion, litigation strategy,



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417 or legal theory of the attorney or the association, and which  
418 was prepared exclusively for civil or criminal litigation or for  
419 adversarial administrative proceedings, or which was prepared in  
420 anticipation of such litigation or proceedings until the  
421 conclusion of the litigation or proceedings.

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

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

432       d. Medical records of unit owners.

433       e. Social security numbers, driver license numbers, credit  
434 card numbers, e-mail addresses, telephone numbers, facsimile  
435 numbers, emergency contact information, addresses of a unit  
436 owner other than as provided to fulfill the association's notice  
437 requirements, and other personal identifying information of any  
438 person, excluding the person's name, unit designation, mailing  
439 address, property address, and any address, e-mail address, or  
440 facsimile number provided to the association to fulfill the  
441 association's notice requirements. Notwithstanding the  
442 restrictions in this sub-subparagraph, an association may print  
443 and distribute to unit owners a directory containing the name,  
444 unit address, and all telephone numbers of each unit owner.  
445 However, an owner may exclude his or her telephone numbers from



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446 the directory by so requesting in writing to the association. An  
447 owner may consent in writing to the disclosure of other contact  
448 information described in this sub-subparagraph. The association  
449 is not liable for the inadvertent disclosure of information that  
450 is protected under this sub-subparagraph if the information is  
451 included in an official record of the association and is  
452 voluntarily provided by an owner and not requested by the  
453 association.

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

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

460 h. All affirmative acknowledgments made pursuant to s.  
461 718.121(4)(c).

462 (d) The association shall prepare a question and answer  
463 sheet as described in s. 718.504, and shall update it annually.

464 (e)1. The association or its authorized agent is not  
465 required to provide a prospective purchaser or lienholder with  
466 information about the condominium or the association other than  
467 information or documents required by this chapter to be made  
468 available or disclosed. The association or its authorized agent  
469 may charge a reasonable fee to the prospective purchaser,  
470 lienholder, or the current unit owner for providing good faith  
471 responses to requests for information by or on behalf of a  
472 prospective purchaser or lienholder, other than that required by  
473 law, if the fee does not exceed \$150 plus the reasonable cost of  
474 photocopying and any attorney's fees incurred by the association



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475 in connection with the response.

476 2. An association and its authorized agent are not liable  
477 for providing such information in good faith pursuant to a  
478 written request if the person providing the information includes  
479 a written statement in substantially the following form: "The  
480 responses herein are made in good faith and to the best of my  
481 ability as to their accuracy."

482 (f) An outgoing board or committee member must relinquish  
483 all official records and property of the association in his or  
484 her possession or under his or her control to the incoming board  
485 within 5 days after the election. The division shall impose a  
486 civil penalty as set forth in s. 718.501(1)(d)6. against an  
487 outgoing board or committee member who willfully and knowingly  
488 fails to relinquish such records and property.

489 (g)1. By January 1, 2019, an association managing a  
490 condominium with 150 or more units which does not contain  
491 timeshare units shall post digital copies of the documents  
492 specified in subparagraph 2. on its website or make such  
493 documents available through an application that can be  
494 downloaded on a mobile device.

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

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

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



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504 may be posted or made available by the association.

505       b. The association's website or application must be  
506 accessible through the Internet and must contain a subpage, web  
507 portal, or other protected electronic location that is  
508 inaccessible to the general public and accessible only to unit  
509 owners and employees of the association.

510       c. Upon a unit owner's written request, the association  
511 must provide the unit owner with a username and password and  
512 access to the protected sections of the association's website or  
513 application which contain any notices, records, or documents  
514 that must be electronically provided.

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

517       a. The recorded declaration of condominium of each  
518 condominium operated by the association and each amendment to  
519 each declaration.

520       b. The recorded bylaws of the association and each  
521 amendment to the bylaws.

522       c. The articles of incorporation of the association, or  
523 other documents creating the association, and each amendment to  
524 the articles of incorporation or other documents. The copy  
525 posted pursuant to this sub-subparagraph must be a copy of the  
526 articles of incorporation filed with the Department of State.

527       d. The rules of the association.

528       e. A list of all executory contracts or documents to which  
529 the association is a party or under which the association or the  
530 unit owners have an obligation or responsibility and, after  
531 bidding for the related materials, equipment, or services has  
532 closed, a list of bids received by the association within the



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533 past year. Summaries of bids for materials, equipment, or  
534 services which exceed \$500 must be maintained on the website or  
535 application for 1 year. In lieu of summaries, complete copies of  
536 the bids may be posted.

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

539 g. The financial report required by subsection (13) and any  
540 monthly income or expense statement to be considered at a  
541 meeting.

542 h. The certification of each director required by s.  
543 718.112(2)(d)4.b.

544 i. All contracts or transactions between the association  
545 and any director, officer, corporation, firm, or association  
546 that is not an affiliated condominium association or any other  
547 entity in which an association director is also a director or  
548 officer and financially interested.

549 j. Any contract or document regarding a conflict of  
550 interest or possible conflict of interest as provided in ss.  
551 468.4335, 468.436(2)(b)6., and 718.3027(3).

552 k. The notice of any unit owner meeting and the agenda for  
553 the meeting, as required by s. 718.112(2)(d)3., no later than 14  
554 days before the meeting. The notice must be posted in plain view  
555 on the front page of the website or application, or on a  
556 separate subpage of the website or application labeled "Notices"  
557 which is conspicuously visible and linked from the front page.  
558 The association must also post on its website or application any  
559 document to be considered and voted on by the owners during the  
560 meeting or any document listed on the agenda at least 7 days  
561 before the meeting at which the document or the information



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562 within the document will be considered.

563 1. Notice of any board meeting, the agenda, and any other  
564 document required for the meeting as required by s.

565 718.112(2)(c), which must be posted no later than the date  
566 required for notice under s. 718.112(2)(c).

567 m. The inspection reports described in ss. 553.899 and  
568 718.301(4)(p) and any other inspection report relating to a  
569 structural or life safety inspection of condominium property.

570 n. The association's most recent structural integrity  
571 reserve study, if applicable.

572 o. Copies of all building permits issued for ongoing or  
573 planned construction.

574 3. The association shall ensure that the information and  
575 records described in paragraph (c), which are not allowed to be  
576 accessible to unit owners, are not posted on the association's  
577 website or application. If protected information or information  
578 restricted from being accessible to unit owners is included in  
579 documents that are required to be posted on the association's  
580 website or application, the association shall ensure the  
581 information is redacted before posting the documents.

582 Notwithstanding the foregoing, the association or its agent is  
583 not liable for disclosing information that is protected or  
584 restricted under this paragraph unless such disclosure was made  
585 with a knowing or intentional disregard of the protected or  
586 restricted nature of such information.

587 4. The failure of the association to post information  
588 required under subparagraph 2. is not in and of itself  
589 sufficient to invalidate any action or decision of the  
590 association's board or its committees.



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591 (13) FINANCIAL REPORTING.—Within 90 days after the end of  
592 the fiscal year, or annually on a date provided in the bylaws,  
593 the association shall prepare and complete, or contract for the  
594 preparation and completion of, a financial report for the  
595 preceding fiscal year. Within 21 days after the final financial  
596 report is completed by the association or received from the  
597 third party, but not later than 120 days after the end of the  
598 fiscal year or other date as provided in the bylaws, the  
599 association shall deliver mail to each unit owner, by United  
600 States mail or personal delivery at the mailing address,  
601 property address, e-mail address, or facsimile number provided  
602 to fulfill the association's notice requirements at the address  
603 ~~last furnished to the association by the unit owner, or hand~~  
604 ~~deliver to each unit owner,~~ a copy of the management letter or  
605 opinion letter, as applicable, for the most recent financial  
606 report, and ~~or~~ a notice that a copy of the most recent financial  
607 report will be mailed or hand delivered to the unit owner,  
608 without charge, within 5 business days after receipt of a  
609 written request from the unit owner. The division shall adopt  
610 rules setting forth uniform accounting principles and standards  
611 to be used by all associations and addressing the financial  
612 reporting requirements for multicondominium associations. The  
613 rules must include, but not be limited to, standards for  
614 presenting a summary of association reserves, including a good  
615 faith estimate disclosing the annual amount of reserve funds  
616 that would be necessary for the association to fully fund  
617 reserves for each reserve item based on the straight-line  
618 accounting method. This disclosure is not applicable to reserves  
619 funded via the pooling method. In adopting such rules, the



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620 division shall consider the number of members and annual  
621 revenues of an association. Financial reports shall be prepared  
622 as follows:

623 (a) An association that meets the criteria of this  
624 paragraph shall prepare a complete set of financial statements  
625 in accordance with generally accepted accounting principles. The  
626 financial statements must be based upon the association's total  
627 annual revenues, as follows:

628 1. An association with total annual revenues of \$150,000 or  
629 more, but less than \$300,000, shall prepare compiled financial  
630 statements.

631 2. An association with total annual revenues of at least  
632 \$300,000, but less than \$500,000, shall prepare reviewed  
633 financial statements.

634 3. An association with total annual revenues of \$500,000 or  
635 more shall prepare audited financial statements.

636 (b)1. An association with total annual revenues of less  
637 than \$150,000 shall prepare a report of cash receipts and  
638 expenditures.

639 2. A report of cash receipts and disbursements must  
640 disclose the amount of receipts by accounts and receipt  
641 classifications and the amount of expenses by accounts and  
642 expense classifications, including, but not limited to, the  
643 following, as applicable: costs for security, professional and  
644 management fees and expenses, taxes, costs for recreation  
645 facilities, expenses for refuse collection and utility services,  
646 expenses for lawn care, costs for building maintenance and  
647 repair, insurance costs, administration and salary expenses, and  
648 reserves accumulated and expended for capital expenditures,



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649 planned ~~deferred~~ maintenance, and any other category for which  
650 the association maintains reserves.

651 (c) An association may prepare, without a meeting of or  
652 approval by the unit owners:

653 1. Compiled, reviewed, or audited financial statements, if  
654 the association is required to prepare a report of cash receipts  
655 and expenditures;

656 2. Reviewed or audited financial statements, if the  
657 association is required to prepare compiled financial  
658 statements; or

659 3. Audited financial statements if the association is  
660 required to prepare reviewed financial statements.

661 (d) Unless an association invests funds pursuant to  
662 paragraph (16) (b), and only if approved by a majority of the  
663 voting interests present at a properly called meeting of the  
664 association, an association may prepare:

665 1. A report of cash receipts and expenditures in lieu of a  
666 compiled, reviewed, or audited financial statement;

667 2. A report of cash receipts and expenditures or a compiled  
668 financial statement in lieu of a reviewed or audited financial  
669 statement; or

670 3. A report of cash receipts and expenditures, a compiled  
671 financial statement, or a reviewed financial statement in lieu  
672 of an audited financial statement.

673  
674 Such meeting and approval must occur before the end of the  
675 fiscal year and is effective only for the fiscal year in which  
676 the vote is taken. An association may not prepare a financial  
677 report pursuant to this paragraph for consecutive fiscal years.



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678 ~~except that the approval may also be effective for the following~~  
679 ~~fiscal year.~~ If the developer has not turned over control of the  
680 association, all unit owners, including the developer, may vote  
681 on issues related to the preparation of the association's  
682 financial reports, from the date of incorporation of the  
683 association through the end of the second fiscal year after the  
684 fiscal year in which the certificate of a surveyor and mapper is  
685 recorded pursuant to s. 718.104(4)(e) or an instrument that  
686 transfers title to a unit in the condominium which is not  
687 accompanied by a recorded assignment of developer rights in  
688 favor of the grantee of such unit is recorded, whichever occurs  
689 first. Thereafter, all unit owners except the developer may vote  
690 on such issues until control is turned over to the association  
691 by the developer. Any audit or review prepared under this  
692 section shall be paid for by the developer if done before  
693 turnover of control of the association.

694 (e) A unit owner may provide written notice to the division  
695 of the association's failure to mail or hand deliver him or her  
696 a copy of the most recent financial report within 5 business  
697 days after he or she submitted a written request to the  
698 association for a copy of such report. If the division  
699 determines that the association failed to mail or hand deliver a  
700 copy of the most recent financial report to the unit owner, the  
701 division shall provide written notice to the association that  
702 the association must mail or hand deliver a copy of the most  
703 recent financial report to the unit owner and the division  
704 within 5 business days after it receives such notice from the  
705 division. An association that fails to comply with the  
706 division's request may not waive the financial reporting



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707 requirement provided in paragraph (d) for the fiscal year in  
708 which the unit owner's request was made and the following fiscal  
709 year. A financial report received by the division pursuant to  
710 this paragraph shall be maintained, and the division shall  
711 provide a copy of such report to an association member upon his  
712 or her request.

713 (f) If an association invests funds pursuant to paragraph  
714 (16) (b), the association must prepare financial statements  
715 pursuant to paragraphs (a) and (b).

716 (15) DEBIT CARDS.—

717 (a) An association and its officers, directors, employees,  
718 and agents may not use a debit card issued in the name of the  
719 association, or billed directly to the association, for the  
720 payment of any association expense.

721 (b) A person who uses ~~Use of~~ a debit card issued in the  
722 name of the association, or billed directly to the association,  
723 for any expense that is not a lawful obligation of the  
724 association commits theft under s. 812.014, and shall be deemed  
725 removed from office and a vacancy declared. For the purposes of  
726 this paragraph, the term "lawful obligation of the association"  
727 means an obligation that has been properly preapproved by the  
728 board and is reflected in the meeting minutes or the written  
729 budget ~~may be prosecuted as credit card fraud pursuant to s.~~  
730 ~~817.61.~~

731 (16) INVESTMENT OF ASSOCIATION FUNDS.—

732 (a) A board, in fulfilling its duty to manage operating and  
733 reserve funds of an association, must use best efforts to make  
734 prudent investment decisions that carefully consider risk and  
735 return in an effort to maximize returns on invested funds.



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736       (b) An association, including a multicondominium  
737 association, may invest reserve funds in one or any combination  
738 of depository accounts at a community bank, savings bank,  
739 commercial bank, savings and loan association, or credit union  
740 if the respective account balance at any institution does not  
741 exceed the amount of deposit insurance per account provided by  
742 any agency of the Federal Government or as otherwise available.  
743 Notwithstanding any declaration, only funds identified as  
744 reserve funds may be invested pursuant to this subsection.

745       (c) The board shall create an investment committee composed  
746 of at least two board members and two-unit non-board member unit  
747 owners. The board shall also adopt rules for invested funds,  
748 including, but not limited to, rules requiring periodic reviews  
749 of any investment manager's performance, the development of an  
750 investment policy statement, and that all meetings of the  
751 investment committee be recorded and made part of the official  
752 records of the association. The investment policy statement  
753 developed pursuant to this paragraph must, at a minimum, address  
754 risk, liquidity, and benchmark measurements; authorized classes  
755 of investments; authorized investment mixes; limitations on  
756 authority relating to investment transactions; requirements for  
757 projected reserve expenditures within, at minimum, the next 24  
758 months to be held in cash or cash equivalents; projected  
759 expenditures relating to an inspection performed pursuant to s.  
760 553.899; and protocols for proxy response.

761       (d) The investment committee shall recommend investment  
762 advisers to the board, and the board shall select one of the  
763 recommended investment advisers to provide services to the  
764 association. Such investment advisers must be registered or have



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765 notice filed under s. 517.12. The investment adviser and any  
766 representative or association of the investment adviser may not  
767 be related by affinity or consanguinity to, or under common  
768 ownership with, any board member, community management company,  
769 reserve study provider, or unit owner. The investment adviser  
770 shall comply with the prudent investor rule in s. 518.11. The  
771 investment adviser shall act as a fiduciary to the association  
772 in compliance with the standards set forth in the Employee  
773 Retirement Income Security Act of 1974 at 29 U.S.C. s.  
774 1104(a)(1)(A)-(C). In case of conflict with other provisions of  
775 law authorizing investments, the investment and fiduciary  
776 standards set forth in this paragraph must prevail. If at any  
777 time the investment committee determines that an investment  
778 adviser does not meet the requirements of this section, the  
779 investment committee must recommend a replacement investment  
780 adviser to the board.

781 (e) At least once each calendar year, or sooner if a  
782 substantial financial obligation of the association becomes  
783 known to the board, the association must provide the investment  
784 adviser with the association's investment policy statement, the  
785 most recent reserve study report, the association's structural  
786 integrity report, and the financial reports prepared pursuant to  
787 subsection (13). If there is no recent reserve study report, the  
788 association must provide the investment adviser with a good  
789 faith estimate disclosing the annual amount of reserve funds  
790 necessary for the association to fully fund reserves for the  
791 life of each reserve component and each component's  
792 redundancies. The investment adviser shall annually review these  
793 documents and provide the association with a portfolio



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794 allocation model that is suitably structured and prudently  
795 designed to match projected annual reserve fund requirements and  
796 liability, assets, and liquidity requirements. The investment  
797 adviser shall prepare a funding projection for each reserve  
798 component, including any of the component's redundancies. There  
799 must be a minimum of 24 months of projected reserves in cash or  
800 cash equivalents available to the association at all times.

801 (f) Portfolios managed by the investment adviser may  
802 contain any type of investment necessary to meet the objectives  
803 in the investment policy statement; however, portfolios may not  
804 contain stocks, securities, or other obligations that the State  
805 Board of Administration is prohibited from investing in under s.  
806 215.471, s. 215.4725, or s. 215.473 or that state agencies are  
807 prohibited from investing in under s. 215.472, as determined by  
808 the investment adviser. Any funds invested by the investment  
809 adviser must be held in third party custodial accounts that are  
810 subject to insurance coverage by the Securities Investor  
811 Protection Corporation in an amount equal to or greater than the  
812 invested amount. The investment adviser may withdraw investment  
813 fees, expenses, and commissions from invested funds.

814 (g) The investment adviser shall:

815 1. Annually provide the association with a written  
816 certification of compliance with this section and a list of  
817 stocks, securities, and other obligations that are prohibited  
818 from being in association portfolios under paragraph (f); and

819 2. Submit monthly, quarterly, and annual reports to the  
820 association which are prepared in accordance with established  
821 financial industry standards and in accordance with chapter 517.

822 (h) Any principal, earnings, or interest managed under this



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823 subsection must be available at no cost or charge to the  
824 association within 15 business days after delivery of the  
825 association's written or electronic request.

826 (i) Unallocated income earned on reserve fund investments  
827 may be spent only on capital expenditures, planned maintenance,  
828 structural repairs, or other items for which the reserve  
829 accounts have been established. Any surplus of funds which  
830 exceeds the amount required to maintain reasonably funded  
831 reserves must be managed pursuant to s. 718.115.

832 Section 7. Effective January 1, 2026, paragraph (g) of  
833 subsection (12) of section 718.111, Florida Statutes, as amended  
834 by this act, is amended to read:

835 718.111 The association.—

836 (12) OFFICIAL RECORDS.—

837 (g)1. ~~By January 1, 2019,~~ An association managing a  
838 condominium with 25 ~~150~~ or more units which does not contain  
839 timeshare units shall post digital copies of the documents  
840 specified in subparagraph 2. on its website or make such  
841 documents available through an application that can be  
842 downloaded on a mobile device.

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

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

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



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852 may be posted or made available by the association.

853       b. The association's website or application must be  
854 accessible through the Internet and must contain a subpage, web  
855 portal, or other protected electronic location that is  
856 inaccessible to the general public and accessible only to unit  
857 owners and employees of the association.

858       c. Upon a unit owner's written request, the association  
859 must provide the unit owner with a username and password and  
860 access to the protected sections of the association's website or  
861 application which contain any notices, records, or documents  
862 that must be electronically provided.

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

865       a. The recorded declaration of condominium of each  
866 condominium operated by the association and each amendment to  
867 each declaration.

868       b. The recorded bylaws of the association and each  
869 amendment to the bylaws.

870       c. The articles of incorporation of the association, or  
871 other documents creating the association, and each amendment to  
872 the articles of incorporation or other documents. The copy  
873 posted pursuant to this sub-subparagraph must be a copy of the  
874 articles of incorporation filed with the Department of State.

875       d. The rules of the association.

876       e. A list of all executory contracts or documents to which  
877 the association is a party or under which the association or the  
878 unit owners have an obligation or responsibility and, after  
879 bidding for the related materials, equipment, or services has  
880 closed, a list of bids received by the association within the



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881 past year. Summaries of bids for materials, equipment, or  
882 services which exceed \$500 must be maintained on the website or  
883 application for 1 year. In lieu of summaries, complete copies of  
884 the bids may be posted.

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

887 g. The financial report required by subsection (13) and any  
888 monthly income or expense statement to be considered at a  
889 meeting.

890 h. The certification of each director required by s.  
891 718.112(2)(d)4.b.

892 i. All contracts or transactions between the association  
893 and any director, officer, corporation, firm, or association  
894 that is not an affiliated condominium association or any other  
895 entity in which an association director is also a director or  
896 officer and financially interested.

897 j. Any contract or document regarding a conflict of  
898 interest or possible conflict of interest as provided in ss.  
899 468.4335, 468.436(2)(b)6., and 718.3027(3).

900 k. The notice of any unit owner meeting and the agenda for  
901 the meeting, as required by s. 718.112(2)(d)3., no later than 14  
902 days before the meeting. The notice must be posted in plain view  
903 on the front page of the website or application, or on a  
904 separate subpage of the website or application labeled "Notices"  
905 which is conspicuously visible and linked from the front page.  
906 The association must also post on its website or application any  
907 document to be considered and voted on by the owners during the  
908 meeting or any document listed on the agenda at least 7 days  
909 before the meeting at which the document or the information



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910 within the document will be considered.

911 1. Notice of any board meeting, the agenda, and any other  
912 document required for the meeting as required by s.

913 718.112(2)(c), which must be posted no later than the date  
914 required for notice under s. 718.112(2)(c).

915 m. The inspection reports described in ss. 553.899 and  
916 718.301(4)(p) and any other inspection report relating to a  
917 structural or life safety inspection of condominium property.

918 n. The association's most recent structural integrity  
919 reserve study, if applicable.

920 o. Copies of all building permits issued for ongoing or  
921 planned construction.

922 3. The association shall ensure that the information and  
923 records described in paragraph (c), which are not allowed to be  
924 accessible to unit owners, are not posted on the association's  
925 website or application. If protected information or information  
926 restricted from being accessible to unit owners is included in  
927 documents that are required to be posted on the association's  
928 website or application, the association shall ensure the  
929 information is redacted before posting the documents.

930 Notwithstanding the foregoing, the association or its agent is  
931 not liable for disclosing information that is protected or  
932 restricted under this paragraph unless such disclosure was made  
933 with a knowing or intentional disregard of the protected or  
934 restricted nature of such information.

935 4. The failure of the association to post information  
936 required under subparagraph 2. is not in and of itself  
937 sufficient to invalidate any action or decision of the  
938 association's board or its committees.



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939 Section 8. Paragraphs (c), (d), (f), (g), (i), and (q) of  
940 subsection (2) of section 718.112, Florida Statutes, are  
941 amended, and paragraph (r) is added to that section, to read:

942 718.112 Bylaws.—

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

946 (c) *Board of administration meetings.*—In a residential  
947 condominium association of more than 10 units, the board of  
948 administration shall meet at least once each quarter for the  
949 purpose of responding to inquiries from members and informing  
950 members on the state of the condominium, including the status of  
951 any construction or repair projects, the status of the  
952 association's revenue and expenditures during the fiscal year,  
953 or other issues affecting the association. Meetings of the board  
954 of administration at which a quorum of the members is present  
955 are open to all unit owners. Members of the board of  
956 administration may use e-mail as a means of communication but  
957 may not cast a vote on an association matter via e-mail. A unit  
958 owner may tape record or videotape the meetings. The right to  
959 attend such meetings includes the right to speak at such  
960 meetings with reference to all designated agenda items. The  
961 division shall adopt reasonable rules governing the tape  
962 recording and videotaping of the meeting. The association may  
963 adopt written reasonable rules governing the frequency,  
964 duration, and manner of unit owner statements.

965 1. Adequate notice of all board meetings, which must  
966 specifically identify all agenda items, must be posted  
967 conspicuously on the condominium property at least 48 continuous



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968 hours before the meeting except in an emergency. If 20 percent  
969 of the voting interests petition the board to address an item of  
970 business, the board, within 90 ~~60~~ days after receipt of the  
971 petition, shall place the item on the agenda at its next regular  
972 board meeting or at a special meeting called for that purpose.  
973 An item not included on the notice may be taken up on an  
974 emergency basis by a vote of at least a majority plus one of the  
975 board members. Such emergency action must be noticed and  
976 ratified at the next regular board meeting. Written notice of a  
977 meeting at which a nonemergency special assessment or an  
978 amendment to rules regarding unit use will be considered must be  
979 mailed, delivered, or electronically transmitted to the unit  
980 owners and posted conspicuously on the condominium property at  
981 least 14 days before the meeting. Evidence of compliance with  
982 this 14-day notice requirement must be made by an affidavit  
983 executed by the person providing the notice and filed with the  
984 official records of the association. ~~Notice of any meeting in  
985 which regular or special assessments against unit owners are to  
986 be considered must specifically state that assessments will be  
987 considered and provide the estimated cost and description of the  
988 purposes for such assessments.~~

989 2. Upon notice to the unit owners, the board shall, by duly  
990 adopted rule, designate a specific location on the condominium  
991 property where all notices of board meetings must be posted. If  
992 there is no condominium property where notices can be posted,  
993 notices shall be mailed, delivered, or electronically  
994 transmitted to each unit owner at least 14 days before the  
995 meeting. In lieu of or in addition to the physical posting of  
996 the notice on the condominium property, the association may, by



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997 reasonable rule, adopt a procedure for conspicuously posting and  
998 repeatedly broadcasting the notice and the agenda on a closed-  
999 circuit cable television system serving the condominium  
1000 association. However, if broadcast notice is used in lieu of a  
1001 notice physically posted on condominium property, the notice and  
1002 agenda must be broadcast at least four times every broadcast  
1003 hour of each day that a posted notice is otherwise required  
1004 under this section. If broadcast notice is provided, the notice  
1005 and agenda must be broadcast in a manner and for a sufficient  
1006 continuous length of time so as to allow an average reader to  
1007 observe the notice and read and comprehend the entire content of  
1008 the notice and the agenda. In addition to any of the authorized  
1009 means of providing notice of a meeting of the board, the  
1010 association may, by rule, adopt a procedure for conspicuously  
1011 posting the meeting notice and the agenda on a website serving  
1012 the condominium association for at least the minimum period of  
1013 time for which a notice of a meeting is also required to be  
1014 physically posted on the condominium property. Any rule adopted  
1015 shall, in addition to other matters, include a requirement that  
1016 the association send an electronic notice in the same manner as  
1017 a notice for a meeting of the members, which must include a  
1018 hyperlink to the website where the notice is posted, to unit  
1019 owners whose e-mail addresses are included in the association's  
1020 official records.

1021 3. Notice of any meeting in which regular or special  
1022 assessments against unit owners are to be considered must  
1023 specifically state that assessments will be considered and  
1024 provide the estimated cost and description of the purposes for  
1025 such assessments. If an agenda item relates to the approval of a



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1026 contract for goods or services, a copy of the contract must be  
1027 provided with the notice, made available for inspection and  
1028 copying upon a written request from a unit owner, or made  
1029 available on the association's website or through an application  
1030 that can be downloaded on a mobile device.

1031 ~~4.2.~~ Meetings of a committee to take final action on behalf  
1032 of the board or make recommendations to the board regarding the  
1033 association budget are subject to this paragraph. Meetings of a  
1034 committee that does not take final action on behalf of the board  
1035 or make recommendations to the board regarding the association  
1036 budget are subject to this section, unless those meetings are  
1037 exempted from this section by the bylaws of the association.

1038 ~~5.3.~~ Notwithstanding any other law, the requirement that  
1039 board meetings and committee meetings be open to the unit owners  
1040 does not apply to:

1041 a. Meetings between the board or a committee and the  
1042 association's attorney, with respect to proposed or pending  
1043 litigation, if the meeting is held for the purpose of seeking or  
1044 rendering legal advice; or

1045 b. Board meetings held for the purpose of discussing  
1046 personnel matters.

1047 (d) *Unit owner meetings.*—

1048 1. An annual meeting of the unit owners must be held at the  
1049 location provided in the association bylaws and, if the bylaws  
1050 are silent as to the location, the meeting must be held within  
1051 45 miles of the condominium property. However, such distance  
1052 requirement does not apply to an association governing a  
1053 timeshare condominium.

1054 2. Unless the bylaws provide otherwise, a vacancy on the



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1055 board caused by the expiration of a director's term must be  
1056 filled by electing a new board member, and the election must be  
1057 by secret ballot. An election is not required if the number of  
1058 vacancies equals or exceeds the number of candidates. For  
1059 purposes of this paragraph, the term "candidate" means an  
1060 eligible person who has timely submitted the written notice, as  
1061 described in sub-subparagraph 4.a., of his or her intention to  
1062 become a candidate. Except in a timeshare or nonresidential  
1063 condominium, or if the staggered term of a board member does not  
1064 expire until a later annual meeting, or if all members' terms  
1065 would otherwise expire but there are no candidates, the terms of  
1066 all board members expire at the annual meeting, and such members  
1067 may stand for reelection unless prohibited by the bylaws. Board  
1068 members may serve terms longer than 1 year if permitted by the  
1069 bylaws or articles of incorporation. A board member may not  
1070 serve more than 8 consecutive years unless approved by an  
1071 affirmative vote of unit owners representing two-thirds of all  
1072 votes cast in the election or unless there are not enough  
1073 eligible candidates to fill the vacancies on the board at the  
1074 time of the vacancy. Only board service that occurs on or after  
1075 July 1, 2018, may be used when calculating a board member's term  
1076 limit. If the number of board members whose terms expire at the  
1077 annual meeting equals or exceeds the number of candidates, the  
1078 candidates become members of the board effective upon the  
1079 adjournment of the annual meeting. Unless the bylaws provide  
1080 otherwise, any remaining vacancies shall be filled by the  
1081 affirmative vote of the majority of the directors making up the  
1082 newly constituted board even if the directors constitute less  
1083 than a quorum or there is only one director. In a residential



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1084 condominium association of more than 10 units or in a  
1085 residential condominium association that does not include  
1086 timeshare units or timeshare interests, co-owners of a unit may  
1087 not serve as members of the board of directors at the same time  
1088 unless they own more than one unit or unless there are not  
1089 enough eligible candidates to fill the vacancies on the board at  
1090 the time of the vacancy. A unit owner in a residential  
1091 condominium desiring to be a candidate for board membership must  
1092 comply with sub-subparagraph 4.a. and must be eligible to be a  
1093 candidate to serve on the board of directors at the time of the  
1094 deadline for submitting a notice of intent to run in order to  
1095 have his or her name listed as a proper candidate on the ballot  
1096 or to serve on the board. A person who has been suspended or  
1097 removed by the division under this chapter, or who is delinquent  
1098 in the payment of any assessment due to the association, is not  
1099 eligible to be a candidate for board membership and may not be  
1100 listed on the ballot. For purposes of this paragraph, a person  
1101 is delinquent if a payment is not made by the due date as  
1102 specifically identified in the declaration of condominium,  
1103 bylaws, or articles of incorporation. If a due date is not  
1104 specifically identified in the declaration of condominium,  
1105 bylaws, or articles of incorporation, the due date is the first  
1106 day of the assessment period. A person who has been convicted of  
1107 any felony in this state or in a United States District or  
1108 Territorial Court, or who has been convicted of any offense in  
1109 another jurisdiction which would be considered a felony if  
1110 committed in this state, is not eligible for board membership  
1111 unless such felon's civil rights have been restored for at least  
1112 5 years as of the date such person seeks election to the board.



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1113 The validity of an action by the board is not affected if it is  
1114 later determined that a board member is ineligible for board  
1115 membership due to having been convicted of a felony. This  
1116 subparagraph does not limit the term of a member of the board of  
1117 a nonresidential or timeshare condominium.

1118         3. The bylaws must provide the method of calling meetings  
1119 of unit owners, including annual meetings. Written notice of an  
1120 annual meeting must include an agenda; be mailed, hand  
1121 delivered, or electronically transmitted to each unit owner at  
1122 least 14 days before the annual meeting; and be posted in a  
1123 conspicuous place on the condominium property or association  
1124 property at least 14 continuous days before the annual meeting.  
1125 Written notice of a meeting other than an annual meeting must  
1126 include an agenda; be mailed, hand delivered, or electronically  
1127 transmitted to each unit owner; and be posted in a conspicuous  
1128 place on the condominium property or association property within  
1129 the timeframe specified in the bylaws. If the bylaws do not  
1130 specify a timeframe for written notice of a meeting other than  
1131 an annual meeting, notice must be provided at least 14  
1132 continuous days before the meeting. Upon notice to the unit  
1133 owners, the board shall, by duly adopted rule, designate a  
1134 specific location on the condominium property or association  
1135 property where all notices of unit owner meetings must be  
1136 posted. This requirement does not apply if there is no  
1137 condominium property for posting notices. In lieu of, or in  
1138 addition to, the physical posting of meeting notices, the  
1139 association may, by reasonable rule, adopt a procedure for  
1140 conspicuously posting and repeatedly broadcasting the notice and  
1141 the agenda on a closed-circuit cable television system serving



1142 the condominium association. However, if broadcast notice is  
1143 used in lieu of a notice posted physically on the condominium  
1144 property, the notice and agenda must be broadcast at least four  
1145 times every broadcast hour of each day that a posted notice is  
1146 otherwise required under this section. If broadcast notice is  
1147 provided, the notice and agenda must be broadcast in a manner  
1148 and for a sufficient continuous length of time so as to allow an  
1149 average reader to observe the notice and read and comprehend the  
1150 entire content of the notice and the agenda. In addition to any  
1151 of the authorized means of providing notice of a meeting of the  
1152 board, the association may, by rule, adopt a procedure for  
1153 conspicuously posting the meeting notice and the agenda on a  
1154 website serving the condominium association for at least the  
1155 minimum period of time for which a notice of a meeting is also  
1156 required to be physically posted on the condominium property.  
1157 Any rule adopted shall, in addition to other matters, include a  
1158 requirement that the association send an electronic notice in  
1159 the same manner as a notice for a meeting of the members, which  
1160 must include a hyperlink to the website where the notice is  
1161 posted, to unit owners whose e-mail addresses are included in  
1162 the association's official records. Unless a unit owner waives  
1163 in writing the right to receive notice of the annual meeting,  
1164 such notice must be hand delivered, mailed, or electronically  
1165 transmitted to each unit owner. Notice for meetings and notice  
1166 for all other purposes must be mailed to each unit owner at the  
1167 address last furnished to the association by the unit owner, or  
1168 hand delivered to each unit owner. However, if a unit is owned  
1169 by more than one person, the association must provide notice to  
1170 the address that the developer identifies for that purpose and



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1171 thereafter as one or more of the owners of the unit advise the  
1172 association in writing, or if no address is given or the owners  
1173 of the unit do not agree, to the address provided on the deed of  
1174 record. An officer of the association, or the manager or other  
1175 person providing notice of the association meeting, must provide  
1176 an affidavit or United States Postal Service certificate of  
1177 mailing, to be included in the official records of the  
1178 association affirming that the notice was mailed or hand  
1179 delivered in accordance with this provision.

1180 4. The members of the board of a residential condominium  
1181 shall be elected by written ballot or voting machine. Proxies  
1182 may not be used in electing the board in general elections or  
1183 elections to fill vacancies caused by recall, resignation, or  
1184 otherwise, unless otherwise provided in this chapter. This  
1185 subparagraph does not apply to an association governing a  
1186 timeshare condominium.

1187 a. At least 60 days before a scheduled election, the  
1188 association shall mail, deliver, or electronically transmit, by  
1189 separate association mailing or included in another association  
1190 mailing, delivery, or transmission, including regularly  
1191 published newsletters, to each unit owner entitled to a vote, a  
1192 first notice of the date of the election. A unit owner or other  
1193 eligible person desiring to be a candidate for the board must  
1194 give written notice of his or her intent to be a candidate to  
1195 the association at least 40 days before a scheduled election.  
1196 Together with the written notice and agenda as set forth in  
1197 subparagraph 3., the association shall mail, deliver, or  
1198 electronically transmit a second notice of the election to all  
1199 unit owners entitled to vote, together with a ballot that lists



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1200 all candidates not less than 14 days or more than 34 days before  
1201 the date of the election. Upon request of a candidate, an  
1202 information sheet, no larger than 8 1/2 inches by 11 inches,  
1203 which must be furnished by the candidate at least 35 days before  
1204 the election, must be included with the mailing, delivery, or  
1205 transmission of the ballot, with the costs of mailing, delivery,  
1206 or electronic transmission and copying to be borne by the  
1207 association. The association is not liable for the contents of  
1208 the information sheets prepared by the candidates. In order to  
1209 reduce costs, the association may print or duplicate the  
1210 information sheets on both sides of the paper. The division  
1211 shall by rule establish voting procedures consistent with this  
1212 sub-subparagraph, including rules establishing procedures for  
1213 giving notice by electronic transmission and rules providing for  
1214 the secrecy of ballots. Elections shall be decided by a  
1215 plurality of ballots cast. There is no quorum requirement;  
1216 however, at least 20 percent of the eligible voters must cast a  
1217 ballot in order to have a valid election. A unit owner may not  
1218 authorize any other person to vote his or her ballot, and any  
1219 ballots improperly cast are invalid. A unit owner who violates  
1220 this provision may be fined by the association in accordance  
1221 with s. 718.303. A unit owner who needs assistance in casting  
1222 the ballot for the reasons stated in s. 101.051 may obtain such  
1223 assistance. The regular election must occur on the date of the  
1224 annual meeting. Notwithstanding this sub-subparagraph, an  
1225 election is not required unless more candidates file notices of  
1226 intent to run or are nominated than board vacancies exist.

1227       b. A director of a ~~Within 90 days after being elected or~~  
1228 ~~appointed to the~~ board of an association of a residential



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1229 ~~condominium, each newly elected or appointed director shall:~~

1230       (I) Certify in writing to the secretary of the association  
1231 that he or she has read the association's declaration of  
1232 condominium, articles of incorporation, bylaws, and current  
1233 written policies; that he or she will work to uphold such  
1234 documents and policies to the best of his or her ability; and  
1235 that he or she will faithfully discharge his or her fiduciary  
1236 responsibility to the association's members. ~~In lieu of this~~  
1237 ~~written certification, within 90 days after being elected or~~  
1238 ~~appointed to the board, the newly elected or appointed director~~  
1239 ~~may~~

1240       (II) Submit to the secretary of the association a  
1241 certificate of having satisfactorily completed the educational  
1242 curriculum administered by the division or a division-approved  
1243 condominium education provider ~~within 1 year before or 90 days~~  
1244 ~~after the date of election or appointment.~~

1245  
1246 Each newly elected or appointed director must submit the written  
1247 certification and educational certificate to the secretary of  
1248 the association within 1 year before being elected or appointed  
1249 or within 90 days after the date of election or appointment. A  
1250 director of an association of a residential condominium who was  
1251 elected or appointed before July 1, 2024, must comply with the  
1252 written certification and educational certificate requirements  
1253 in this sub-subparagraph by June 30, 2025. The written  
1254 certification and ~~or~~ educational certificate is valid for 7  
1255 years from the date of issuance and does not have to be  
1256 resubmitted as long as the director serves on the board without  
1257 interruption during the 7-year period. A director who is



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1258 appointed by the developer may satisfy the educational  
1259 certificate requirement in sub-sub-subparagraph (II) for any  
1260 subsequent appointment to a board by a developer within 7 years  
1261 after the date of issuance of the most recent educational  
1262 certificate, including any interruption of service on a board or  
1263 an appointment to a board in another association within that 7-  
1264 year period. Additionally, one year after submission of the most  
1265 recent written certification and educational certificate, and  
1266 annually thereafter, a director of an association of a  
1267 residential condominium must submit to the secretary of the  
1268 association a certificate of having satisfactorily completed an  
1269 educational curriculum administered by the division, or a  
1270 division-approved condominium education provider, relating to  
1271 any recent changes to this chapter and the related  
1272 administrative rules during the past year. A director of an  
1273 association of a residential condominium who fails to timely  
1274 file the written certification and ~~or~~ educational certificate is  
1275 suspended from service on the board until he or she complies  
1276 with this sub-subparagraph. The board may temporarily fill the  
1277 vacancy during the period of suspension. The secretary shall  
1278 cause the association to retain a director's written  
1279 certification and ~~or~~ educational certificate for inspection by  
1280 the members for 7 ~~5~~ years after a director's election or the  
1281 duration of the director's uninterrupted tenure, whichever is  
1282 longer. Failure to have such written certification and ~~or~~  
1283 educational certificate on file does not affect the validity of  
1284 any board action.

1285       c. Any challenge to the election process must be commenced  
1286 within 60 days after the election results are announced.



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1287           5. Any approval by unit owners called for by this chapter  
1288 or the applicable declaration or bylaws, including, but not  
1289 limited to, the approval requirement in s. 718.111(8), must be  
1290 made at a duly noticed meeting of unit owners and is subject to  
1291 all requirements of this chapter or the applicable condominium  
1292 documents relating to unit owner decisionmaking, except that  
1293 unit owners may take action by written agreement, without  
1294 meetings, on matters for which action by written agreement  
1295 without meetings is expressly allowed by the applicable bylaws  
1296 or declaration or any law that provides for such action.

1297           6. Unit owners may waive notice of specific meetings if  
1298 allowed by the applicable bylaws or declaration or any law.  
1299 Notice of meetings of the board of administration; unit owner  
1300 meetings, except unit owner meetings called to recall board  
1301 members under paragraph (1); and committee meetings may be given  
1302 by electronic transmission to unit owners who consent to receive  
1303 notice by electronic transmission. A unit owner who consents to  
1304 receiving notices by electronic transmission is solely  
1305 responsible for removing or bypassing filters that block receipt  
1306 of mass e-mails sent to members on behalf of the association in  
1307 the course of giving electronic notices.

1308           7. Unit owners have the right to participate in meetings of  
1309 unit owners with reference to all designated agenda items.  
1310 However, the association may adopt reasonable rules governing  
1311 the frequency, duration, and manner of unit owner participation.

1312           8. A unit owner may tape record or videotape a meeting of  
1313 the unit owners subject to reasonable rules adopted by the  
1314 division.

1315           9. Unless otherwise provided in the bylaws, any vacancy



1316 occurring on the board before the expiration of a term may be  
1317 filled by the affirmative vote of the majority of the remaining  
1318 directors, even if the remaining directors constitute less than  
1319 a quorum, or by the sole remaining director. In the alternative,  
1320 a board may hold an election to fill the vacancy, in which case  
1321 the election procedures must conform to sub-subparagraph 4.a.  
1322 unless the association governs 10 units or fewer and has opted  
1323 out of the statutory election process, in which case the bylaws  
1324 of the association control. Unless otherwise provided in the  
1325 bylaws, a board member appointed or elected under this section  
1326 shall fill the vacancy for the unexpired term of the seat being  
1327 filled. Filling vacancies created by recall is governed by  
1328 paragraph (1) and rules adopted by the division.

1329       10. This chapter does not limit the use of general or  
1330 limited proxies, require the use of general or limited proxies,  
1331 or require the use of a written ballot or voting machine for any  
1332 agenda item or election at any meeting of a timeshare  
1333 condominium association or nonresidential condominium  
1334 association.

1335  
1336 Notwithstanding subparagraph (b)2. and sub-subparagraph 4.a., an  
1337 association of 10 or fewer units may, by affirmative vote of a  
1338 majority of the total voting interests, provide for different  
1339 voting and election procedures in its bylaws, which may be by a  
1340 proxy specifically delineating the different voting and election  
1341 procedures. The different voting and election procedures may  
1342 provide for elections to be conducted by limited or general  
1343 proxy.

1344       (f) *Annual budget.*—



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1345           1. The proposed annual budget of estimated revenues and  
1346 expenses must be detailed and must show the amounts budgeted by  
1347 accounts and expense classifications, including, at a minimum,  
1348 any applicable expenses listed in s. 718.504(21). The board  
1349 shall adopt the annual budget at least 14 days before the start  
1350 of the association's fiscal year. In the event that the board  
1351 fails to timely adopt the annual budget a second time, it is  
1352 deemed a minor violation and the prior year's budget shall  
1353 continue in effect until a new budget is adopted. A  
1354 multicondominium association must adopt a separate budget of  
1355 common expenses for each condominium the association operates  
1356 and must adopt a separate budget of common expenses for the  
1357 association. In addition, if the association maintains limited  
1358 common elements with the cost to be shared only by those  
1359 entitled to use the limited common elements as provided for in  
1360 s. 718.113(1), the budget or a schedule attached to it must show  
1361 the amount budgeted for this maintenance. If, after turnover of  
1362 control of the association to the unit owners, any of the  
1363 expenses listed in s. 718.504(21) are not applicable, they do  
1364 not need to be listed.

1365           2.a. In addition to annual operating expenses, the budget  
1366 must include reserve accounts for capital expenditures and  
1367 planned ~~deferred~~ maintenance. These accounts must include, but  
1368 are not limited to, roof replacement, building painting, and  
1369 pavement resurfacing, regardless of the amount of planned  
1370 ~~deferred~~ maintenance expense or replacement cost, and any other  
1371 item that has a planned ~~deferred~~ maintenance expense or  
1372 replacement cost that exceeds \$10,000. The amount to be reserved  
1373 must be computed using a formula based upon estimated remaining



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1374 useful life and estimated replacement cost or planned ~~deferred~~  
1375 maintenance expense of the reserve item. In a budget adopted by  
1376 an association that is required to obtain a structural integrity  
1377 reserve study, reserves must be maintained for the items  
1378 identified in paragraph (g) for which the association is  
1379 responsible pursuant to the declaration of condominium, and the  
1380 reserve amount for such items must be based on the findings and  
1381 recommendations of the association's most recent structural  
1382 integrity reserve study. With respect to items for which an  
1383 estimate of useful life is not readily ascertainable or with an  
1384 estimated remaining useful life of greater than 25 years, an  
1385 association is not required to reserve replacement costs for  
1386 such items, but an association must reserve the amount of  
1387 planned ~~deferred~~ maintenance expense, if any, which is  
1388 recommended by the structural integrity reserve study for such  
1389 items. The association may adjust replacement reserve  
1390 assessments annually to take into account an inflation  
1391 adjustment and any changes in estimates or extension of the  
1392 useful life of a reserve item caused by planned ~~deferred~~  
1393 maintenance. The members of a unit-owner-controlled association  
1394 may determine, by a majority vote of the total voting interests  
1395 of the association, to provide no reserves or less reserves than  
1396 required by this subsection. For a budget adopted on or after  
1397 December 31, 2024, the members of a unit-owner-controlled  
1398 association that must obtain a structural integrity reserve  
1399 study may not determine to provide no reserves or less reserves  
1400 than required by this subsection for items listed in paragraph  
1401 (g), except that members of an association operating a  
1402 multicondominium may determine to provide no reserves or less



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1403 reserves than required by this subsection if an alternative  
1404 funding method has been approved by the division. Additionally,  
1405 members of an association may determine to provide no reserves  
1406 or less reserves than required by this subsection if the  
1407 condominium building or units are unsafe and uninhabitable due  
1408 to substantial damage or loss as determined by the local  
1409 enforcement agency, as defined in s. 553.71(5), and it is in the  
1410 best interests of the association to use revenues and existing  
1411 reserve funds to perform necessary repairs to make the building  
1412 or units safe and habitable, but an association may not opt for  
1413 such a waiver of reserve requirements after the building or  
1414 units have been declared safe for occupancy by the local  
1415 enforcement agency.

1416       b. Before turnover of control of an association by a  
1417 developer to unit owners other than a developer under s.  
1418 718.301, the developer-controlled association may not vote to  
1419 waive the reserves or reduce funding of the reserves. If a  
1420 meeting of the unit owners has been called to determine whether  
1421 to waive or reduce the funding of reserves and no such result is  
1422 achieved or a quorum is not attained, the reserves included in  
1423 the budget shall go into effect. After the turnover, the  
1424 developer may vote its voting interest to waive or reduce the  
1425 funding of reserves.

1426       3. Reserve funds and any interest or earnings accruing  
1427 thereon shall remain in the reserve account or accounts, and may  
1428 be used only for authorized reserve expenditures unless their  
1429 use for other purposes is approved in advance by a majority vote  
1430 of all the total voting interests of the association. Before  
1431 turnover of control of an association by a developer to unit



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1432 owners other than the developer pursuant to s. 718.301, the  
1433 developer-controlled association may not vote to use reserves  
1434 for purposes other than those for which they were intended. For  
1435 a budget adopted on or after December 31, 2024, members of a  
1436 unit-owner-controlled association that must obtain a structural  
1437 integrity reserve study may not vote to use reserve funds, or  
1438 any interest accruing thereon, for any other purpose other than  
1439 the replacement or planned ~~deferred~~ maintenance costs of the  
1440 components listed in paragraph (g).

1441 4. The only voting interests that are eligible to vote on  
1442 questions that involve waiving or reducing the funding of  
1443 reserves, or using existing reserve funds for purposes other  
1444 than purposes for which the reserves were intended, are the  
1445 voting interests of the units subject to assessment to fund the  
1446 reserves in question. Proxy questions relating to waiving or  
1447 reducing the funding of reserves or using existing reserve funds  
1448 for purposes other than purposes for which the reserves were  
1449 intended must contain the following statement in capitalized,  
1450 bold letters in a font size larger than any other used on the  
1451 face of the proxy ballot: WAIVING OF RESERVES, IN WHOLE OR IN  
1452 PART, OR ALLOWING ALTERNATIVE USES OF EXISTING RESERVES MAY  
1453 RESULT IN UNIT OWNER LIABILITY FOR PAYMENT OF UNANTICIPATED  
1454 SPECIAL ASSESSMENTS REGARDING THOSE ITEMS.

1455 (g) *Structural integrity reserve study.*—

1456 1. A residential condominium association must have a  
1457 structural integrity reserve study completed at least every 10  
1458 years after the condominium's creation for each building on the  
1459 condominium property that is three stories or higher in height,  
1460 as determined by the Florida Building Code, which includes, at a



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1461 minimum, a study of the following items as related to the  
1462 structural integrity and safety of the building:  
1463       a. Roof.  
1464       b. Structure, including load-bearing walls and other  
1465 primary structural members and primary structural systems as  
1466 those terms are defined in s. 627.706.  
1467       c. Fireproofing and fire protection systems.  
1468       d. Plumbing.  
1469       e. Electrical systems.  
1470       f. Waterproofing and exterior painting.  
1471       g. Windows and exterior doors.  
1472       h. Any other item that has a planned ~~deferred~~ maintenance  
1473 expense or replacement cost that exceeds \$10,000 and the failure  
1474 to replace or maintain such item negatively affects the items  
1475 listed in sub-subparagraphs a.-g., as determined by the visual  
1476 inspection portion of the structural integrity reserve study.  
1477       2. A structural integrity reserve study is based on a  
1478 visual inspection of the condominium property. A structural  
1479 integrity reserve study may be performed by any person qualified  
1480 to perform such study. However, the visual inspection portion of  
1481 the structural integrity reserve study must be performed or  
1482 verified by an engineer licensed under chapter 471, an architect  
1483 licensed under chapter 481, or a person certified as a reserve  
1484 specialist or professional reserve analyst by the Community  
1485 Associations Institute or the Association of Professional  
1486 Reserve Analysts.  
1487       3. At a minimum, a structural integrity reserve study must  
1488 identify each item of the condominium property being visually  
1489 inspected, state the estimated remaining useful life and the



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1490 estimated replacement cost or planned ~~deferred~~ maintenance  
1491 expense of each item of the condominium property being visually  
1492 inspected, and provide a reserve funding schedule with a  
1493 recommended annual reserve amount that achieves the estimated  
1494 replacement cost or planned ~~deferred~~ maintenance expense of each  
1495 item of condominium property being visually inspected by the end  
1496 of the estimated remaining useful life of the item. The  
1497 structural integrity reserve study may recommend that reserves  
1498 do not need to be maintained for any item for which an estimate  
1499 of useful life and an estimate of replacement cost cannot be  
1500 determined, or the study may recommend a planned ~~deferred~~  
1501 maintenance expense amount for such item. The structural  
1502 integrity reserve study may recommend that reserves for  
1503 replacement costs do not need to be maintained for any item with  
1504 an estimated remaining useful life of greater than 25 years, but  
1505 the study may recommend a planned ~~deferred~~ maintenance expense  
1506 amount for such item. If the condominium building or units are  
1507 unsafe and uninhabitable due to substantial damage or loss as  
1508 determined by the local enforcement agency, as defined in s.  
1509 533.71(5), and it is in the best interests of the association to  
1510 use revenues and existing reserve funds to perform necessary  
1511 repairs to make the building safe and habitable, the structural  
1512 integrity reserve study may recommend a temporary pause in  
1513 reserve funding or reduced reserve funding, but the association  
1514 may not pause reserve funding after the building has been  
1515 declared safe for occupancy by the local enforcement agency.

1516 4. This paragraph does not apply to buildings less than  
1517 three stories in height; single-family, two-family, or three-  
1518 family dwellings with three or fewer habitable stories above



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1519 ground; any portion or component of a building that has not been  
1520 submitted to the condominium form of ownership; or any portion  
1521 or component of a building that is maintained by a party other  
1522 than the association.

1523         5. Before a developer turns over control of an association  
1524 to unit owners other than the developer, the developer must have  
1525 a turnover inspection report in compliance with s. 718.301(4)(p)  
1526 and (q) for each building on the condominium property that is  
1527 three stories or higher in height.

1528         6. Associations existing on or before July 1, 2022, which  
1529 are controlled by unit owners other than the developer, must  
1530 have a structural integrity reserve study completed by December  
1531 31, 2024, for each building on the condominium property that is  
1532 three stories or higher in height, except that the structural  
1533 integrity reserve study may be completed after December 31,  
1534 2024, if the association has entered into a contract for the  
1535 performance of a structural integrity reserve study and the  
1536 study cannot reasonably be performed or completed by December  
1537 31, 2024. An association that is required to complete a  
1538 milestone inspection in accordance with s. 553.899 on or before  
1539 December 31, 2026, may complete the structural integrity reserve  
1540 study simultaneously with the milestone inspection. In no event  
1541 may the structural integrity reserve study be completed after  
1542 December 31, 2026.

1543         7. If the milestone inspection required by s. 553.899, or  
1544 an inspection completed for a similar local requirement, was  
1545 performed within the past 5 years and meets the requirements of  
1546 this paragraph, such inspection may be used in place of the  
1547 visual inspection portion of the structural integrity reserve



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1548 study.

1549 8. If the officers or directors of an association willfully  
1550 and knowingly fail to complete a structural integrity reserve  
1551 study pursuant to this paragraph, such failure is a breach of an  
1552 officer's and director's fiduciary relationship to the unit  
1553 owners under s. 718.111(1).

1554 9. Within 45 days after receiving the structural integrity  
1555 reserve study, the association must distribute a copy of the  
1556 study to each unit owner or deliver to each unit owner a notice  
1557 that the completed study is available for inspection and copying  
1558 upon a written request. Distribution of a copy of the study or  
1559 notice must be made by United States mail or personal delivery  
1560 at the mailing address, property address, or any other address  
1561 of the owner provided to fulfill the association's notice  
1562 requirements under this chapter, or by electronic transmission  
1563 to the e-mail address or facsimile number provided to fulfill  
1564 the association's notice requirements to unit owners who  
1565 previously consented to receive notice by electronic  
1566 transmission.

1567 (i) *Assessments.*—

1568 1. The manner of collecting from the unit owners their  
1569 shares of the common expenses shall be stated in the bylaws.  
1570 Assessments shall be made against units not less frequently than  
1571 quarterly in an amount which is not less than that required to  
1572 provide funds in advance for payment of all of the anticipated  
1573 current operating expenses and for all of the unpaid operating  
1574 expenses previously incurred. Nothing in this paragraph shall  
1575 preclude the right of an association to accelerate assessments  
1576 of an owner delinquent in payment of common expenses.



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1577 Accelerated assessments shall be due and payable on the date the  
1578 claim of lien is filed. Such accelerated assessments shall  
1579 include the amounts due for the remainder of the budget year in  
1580 which the claim of lien was filed.

1581 2.a. In lieu of a special assessment to fund needed repair,  
1582 maintenance, or replacement of a building component recommended  
1583 by a milestone inspection required under s. 553.899 or a similar  
1584 local inspection requirement or a structural integrity reserve  
1585 study, or unanticipated repairs, the board of a unit-owner-  
1586 controlled association may approve contingent special  
1587 assessments against each unit to secure a line of credit for the  
1588 association to provide available funding to pay for such repair,  
1589 maintenance, or replacement. The approved line of credit must be  
1590 made available to the board for the funding of the needed  
1591 repair, maintenance, or replacement. The association must record  
1592 a declaration of special assessments evidencing the levy of such  
1593 special assessments in the public records.

1594 b. Funding from the line of credit must be immediately  
1595 available for access by the board to fund required repair,  
1596 maintenance, or replacement expenses without further approval by  
1597 the members of the association. At the option of a unit owner,  
1598 the special assessment may be paid in full at the time it  
1599 becomes due or the payment may be amortized over a term of years  
1600 as provided for by the line of credit. However, a unit owner may  
1601 pay the remaining balance of the special assessment at any time  
1602 during the amortization period.

1603 c. For a budget adopted on or before December 31, 2029, an  
1604 association may secure a line of credit and assess a contingent  
1605 special assessment as provided in this subparagraph to meet the



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1606 reserve funding schedule recommended by the structural integrity  
1607 reserve study.

1608 d. Except as authorized by sub-subparagraph c., a line of  
1609 credit and contingent special assessment in this paragraph may  
1610 not be used as an alternative to the association's reserve  
1611 funding requirements in paragraph (f).

1612 (q) Director or officer offenses.-

1613 1. A director or an officer charged by information or  
1614 indictment with any of the following crimes is deemed removed  
1615 from office and a vacancy declared:

1616 a. Forgery of a ballot envelope or voting certificate used  
1617 in a condominium association election as provided in s. 831.01.

1618 b. Theft or embezzlement involving the association's funds  
1619 or property as provided in s. 812.014.

1620 c. Destruction of, or the refusal to allow inspection or  
1621 copying of, an official record of a condominium association  
1622 which is accessible to unit owners within the time periods  
1623 required by general law, in furtherance of any crime. Such act  
1624 constitutes tampering with physical evidence as provided in s.  
1625 918.13.

1626 d. Obstruction of justice under chapter 843.

1627 e. Any criminal violation under this chapter.

1628 2. The board shall fill the vacancy in accordance with  
1629 paragraph (2) (d) a felony theft or embezzlement offense  
1630 involving the association's funds or property must be removed  
1631 from office, creating a vacancy in the office to be filled  
1632 according to law until the end of the period of the suspension  
1633 or the end of the director's term of office, whichever occurs  
1634 first. While such director or officer has such criminal charge



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1635 pending, he or she may not be appointed or elected to a position  
1636 as a director or an officer of any association and may not have  
1637 access to the official records of any association, except  
1638 pursuant to a court order. However, if the charges are resolved  
1639 without a finding of guilt, the director or officer shall be  
1640 reinstated for the remainder of his or her term of office, if  
1641 any.

1642 (r) Fraudulent voting activities relating to association  
1643 elections; penalties.-

1644 1. A person who engages in the following acts of fraudulent  
1645 voting activity relating to association elections commits a  
1646 misdemeanor of the first degree, punishable as provided in s.  
1647 775.082 or s. 775.083:

1648 a. Willfully and falsely swearing to or affirming an oath  
1649 or affirmation, or willfully procuring another person to falsely  
1650 swear to or affirm an oath or affirmation, in connection with or  
1651 arising out of voting activities.

1652 b. Perpetrating or attempting to perpetrate, or aiding in  
1653 the perpetration of, fraud in connection with a vote cast, to be  
1654 cast, or attempted to be cast.

1655 c. Preventing a member from voting or preventing a member  
1656 from voting as he or she intended by fraudulently changing or  
1657 attempting to change a ballot, ballot envelope, vote, or voting  
1658 certificate of the member.

1659 d. Menacing, threatening, or using bribery or any other  
1660 corruption to attempt, directly or indirectly, to influence,  
1661 deceive, or deter a member when the member is voting.

1662 e. Giving or promising, directly or indirectly, anything of  
1663 value to another member with the intent to buy the vote of that



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1664 member or another member or to corruptly influence that member  
1665 or another member in casting his or her vote. This subsection  
1666 does not apply to any food served which is to be consumed at an  
1667 election rally or a meeting or to any item of nominal value  
1668 which is used as an election advertisement, including a campaign  
1669 message designed to be worn by a member.

1670 f. Using or threatening to use, directly or indirectly,  
1671 force, violence, or intimidation or any tactic of coercion or  
1672 intimidation to induce or compel a member to vote or refrain  
1673 from voting in an election or on a particular ballot measure.

1674 2. Each of the following acts constitutes a misdemeanor of  
1675 the first degree, punishable as provided in s. 775.082 or s.  
1676 775.083:

1677 a. Knowingly aiding, abetting, or advising a person in the  
1678 commission of a fraudulent voting activity related to  
1679 association elections.

1680 b. Agreeing, conspiring, combining, or confederating with  
1681 at least one other person to commit a fraudulent voting activity  
1682 related to association elections.

1683 c. Having knowledge of a fraudulent voting activity related  
1684 to association elections and giving any aid to the offender with  
1685 intent that the offender avoid or escape detection, arrest,  
1686 trial, or punishment.

1687  
1688 This subparagraph does not apply to a licensed attorney giving  
1689 legal advice to a client.

1690 3. Any person charged by information or indictment for any  
1691 of the crimes in this paragraph shall be deemed removed from  
1692 office and a vacancy declared.



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1693 Section 9. Subsection (5) of section 718.113, Florida  
1694 Statutes, is amended to read:

1695 718.113 Maintenance; limitation upon improvement; display  
1696 of flag; hurricane ~~shutters and~~ protection; display of religious  
1697 decorations.-

1698 (5) To protect the health, safety, and welfare of the  
1699 people of this state and to ensure uniformity and consistency in  
1700 the hurricane protections installed by condominium associations  
1701 and unit owners, this subsection applies to all residential and  
1702 mixed-use condominiums in this state, regardless of when the  
1703 condominium is created pursuant to the declaration of  
1704 condominium. Each board of administration of a residential  
1705 condominium or mixed-use condominium shall adopt hurricane  
1706 protection shutter specifications for each building within each  
1707 condominium operated by the association which may ~~shall~~ include  
1708 color, style, and other factors deemed relevant by the board.  
1709 All specifications adopted by the board must comply with the  
1710 applicable building code. The installation, maintenance, repair,  
1711 replacement, and operation of hurricane protection in accordance  
1712 with this subsection is not considered a material alteration or  
1713 substantial addition to the common elements or association  
1714 property within the meaning of this section.

1715 (a) The board may, subject to s. 718.3026 and the approval  
1716 of a majority of voting interests of the residential condominium  
1717 or mixed-use condominium, install or require that unit owners  
1718 install hurricane shutters, impact glass, code-compliant windows  
1719 or doors, or other types of code-compliant hurricane protection  
1720 that complies ~~comply~~ with or exceeds ~~exceed~~ the applicable  
1721 building code. A vote of the unit owners to require the



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1722 installation of hurricane protection must be set forth in a  
1723 certificate attesting to such vote and include the date that the  
1724 hurricane protection must be installed. The board must record  
1725 the certificate in the public records of the county where the  
1726 condominium is located. The certificate must include the  
1727 recording data identifying the declaration of condominium and  
1728 must be executed in the form required for the execution of a  
1729 deed. Once the certificate is recorded, the board must mail or  
1730 hand deliver a copy of the recorded certificate to the unit  
1731 owners at the owners' addresses, as reflected in the records of  
1732 the association. The board may provide a copy of the recorded  
1733 certificate by electronic transmission to unit owners who  
1734 previously consented to receive notice by electronic  
1735 transmission. The failure to record the certificate or send a  
1736 copy of the recorded certificate to the unit owners does not  
1737 affect the validity or enforceability of the vote of the unit  
1738 owners. However, A vote of the unit owners under this paragraph  
1739 is not required if the installation, maintenance, repair, and  
1740 replacement of the hurricane shutters, impact glass, code-  
1741 compliant windows or doors, or other types of code-compliant  
1742 hurricane protection, or any exterior windows, doors, or other  
1743 apertures protected by the hurricane protection, is are the  
1744 responsibility of the association pursuant to the declaration of  
1745 condominium as originally recorded or as amended, or if the unit  
1746 owners are required to install hurricane protection pursuant to  
1747 the declaration of condominium as originally recorded or as  
1748 amended. If hurricane protection or laminated glass or window  
1749 film architecturally designed to function as hurricane  
1750 protection that complies with or exceeds the current applicable



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1751 building code has been previously installed, the board may not  
1752 install the same type of hurricane shutters, impact glass, code-  
1753 compliant windows or doors, or other types of code-compliant  
1754 hurricane protection or require that unit owners install the  
1755 same type of hurricane protection unless the installed hurricane  
1756 protection has reached the end of its useful life or unless it  
1757 is necessary to prevent damage to the common elements or to a  
1758 unit except upon approval by a majority vote of the voting  
1759 interests.

1760 ~~(b) The association is responsible for the maintenance,~~  
1761 ~~repair, and replacement of the hurricane shutters, impact glass,~~  
1762 ~~code-compliant windows or doors, or other types of code-~~  
1763 ~~compliant hurricane protection authorized by this subsection if~~  
1764 ~~such property is the responsibility of the association pursuant~~  
1765 ~~to the declaration of condominium. If the hurricane shutters,~~  
1766 ~~impact glass, code-compliant windows or doors, or other types of~~  
1767 ~~code-compliant hurricane protection are the responsibility of~~  
1768 ~~the unit owners pursuant to the declaration of condominium, the~~  
1769 ~~maintenance, repair, and replacement of such items are the~~  
1770 ~~responsibility of the unit owner.~~

1771 ~~(b)(c) The board may operate shutters, impact glass, code-~~  
1772 ~~compliant windows or doors, or other types of code-compliant~~  
1773 ~~hurricane protection installed pursuant to this subsection~~  
1774 ~~without permission of the unit owners only if such operation is~~  
1775 ~~necessary to preserve and protect the condominium property or~~  
1776 ~~and association property. The installation, replacement,~~  
1777 ~~operation, repair, and maintenance of such shutters, impact~~  
1778 ~~glass, code-compliant windows or doors, or other types of code-~~  
1779 ~~compliant hurricane protection in accordance with the procedures~~



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1780 ~~set forth in this paragraph are not a material alteration to the~~  
1781 ~~common elements or association property within the meaning of~~  
1782 ~~this section.~~

1783 (c) (d) Notwithstanding any other provision in the  
1784 residential condominium or mixed-use condominium documents, if  
1785 approval is required by the documents, a board may not refuse to  
1786 approve the installation or replacement of ~~hurricane shutters,~~  
1787 ~~impact glass, code-compliant windows or doors, or other types of~~  
1788 ~~code-compliant~~ hurricane protection by a unit owner which  
1789 conforms conforming to the specifications adopted by the board.  
1790 However, a board may require the unit owner to adhere to an  
1791 existing unified building scheme regarding the external  
1792 appearance of the condominium.

1793 (d) A unit owner is not responsible for the cost of any  
1794 removal or reinstallation of hurricane protection, and any  
1795 exterior window, door, or other aperture protected by the  
1796 hurricane protection, if its removal is necessary for the  
1797 maintenance, repair, or replacement of other condominium  
1798 property or association property for which the association is  
1799 responsible. The board shall determine if the removal or  
1800 reinstallation of hurricane protection must be completed by the  
1801 unit owner or the association. If such removal or reinstallation  
1802 is completed by the association, the costs incurred by the  
1803 association may not be charged to the unit owner. If such  
1804 removal or installation is completed by the unit owner, the  
1805 association must reimburse the unit owner for the cost of the  
1806 removal or installation or the association must apply the unit  
1807 owner's cost of removal or installation as a credit toward  
1808 future assessments.



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1809           (e) If the removal or installation of hurricane protection  
1810 or of any exterior windows, doors, or other apertures protected  
1811 by the hurricane protection are the responsibility of the unit  
1812 owner, such removal or installation is completed by the  
1813 association, and the association then charges the unit owner for  
1814 such removal or installation, such charges are enforceable as an  
1815 assessment and may be collected in the manner provided under s.  
1816 718.116.

1817           Section 10. Paragraph (e) of subsection (1) of section  
1818 718.115, Florida Statutes, is amended to read:

1819           718.115 Common expenses and common surplus.-

1820           (1)

1821           (e) 1. Except as provided in s. 718.113(5) (d) The expense of  
1822 installation, replacement, operation, repair, and maintenance of  
1823 hurricane shutters, impact glass, code-compliant windows or  
1824 doors, or other types of code-compliant hurricane protection by  
1825 the board pursuant to s. 718.113(5) constitutes a common expense  
1826 and shall be collected as provided in this section if the  
1827 association is responsible for the maintenance, repair, and  
1828 replacement of the hurricane shutters, impact glass, code-  
1829 compliant windows or doors, or other types of code-compliant  
1830 hurricane protection pursuant to the declaration of condominium.  
1831 However, if the installation of maintenance, repair, and  
1832 replacement of the hurricane shutters, impact glass, code-  
1833 compliant windows or doors, or other types of code-compliant  
1834 hurricane protection is are the responsibility of the unit  
1835 owners pursuant to the declaration of condominium or a vote of  
1836 the unit owners under s. 718.113(5), the cost of the  
1837 installation of the hurricane shutters, impact glass, code-



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1838 ~~compliant windows or doors, or other types of code-compliant~~  
1839 hurricane protection by the association is not a common expense  
1840 and must ~~shall~~ be charged individually to the unit owners based  
1841 on the cost of installation of ~~the hurricane shutters, impact~~  
1842 ~~glass, code-compliant windows or doors, or other types of code-~~  
1843 ~~compliant~~ hurricane protection appurtenant to the unit. The  
1844 costs of installation of hurricane protection are enforceable as  
1845 an assessment and may be collected in the manner provided under  
1846 s. 718.116.

1847 2. Notwithstanding s. 718.116(9), and regardless of whether  
1848 ~~or not~~ the declaration requires the association or unit owners  
1849 to install, maintain, repair, or replace hurricane shutters,  
1850 ~~impact glass, code-compliant windows or doors, or other types of~~  
1851 ~~code-compliant~~ hurricane protection, the a unit owner of a unit  
1852 where who has previously installed hurricane shutters in  
1853 ~~accordance with s. 718.113(5) that comply with the current~~  
1854 ~~applicable building code shall receive a credit when the~~  
1855 ~~shutters are installed; a unit owner who has previously~~  
1856 ~~installed impact glass or code-compliant windows or doors that~~  
1857 ~~comply with the current applicable building code shall receive a~~  
1858 ~~credit when the impact glass or code-compliant windows or doors~~  
1859 ~~are installed; and a unit owner who has installed other types of~~  
1860 ~~code-compliant~~ hurricane protection that complies ~~comply~~ with  
1861 the current applicable building code has been installed is  
1862 excused from any assessment levied by the association or shall  
1863 receive a credit ~~if when~~ the same type of ~~other code-compliant~~  
1864 hurricane protection is installed by the association, ~~and the~~  
1865 ~~credit shall be equal to the pro rata portion of the assessed~~  
1866 installation cost assigned to each unit. A credit is applicable



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1867 if the installation of hurricane protection is for all other  
1868 units that do not have hurricane protection and the cost of such  
1869 installation is funded by the association's budget, including  
1870 the use of reserve funds. The credit must be equal to the amount  
1871 that the unit owner would have been assessed to install the  
1872 hurricane protection. However, such unit owner remains  
1873 responsible for the pro rata share of expenses for ~~hurricane~~  
1874 ~~shutters, impact glass, code-compliant windows or doors, or~~  
1875 ~~other types of code-compliant~~ hurricane protection installed on  
1876 common elements and association property by the board pursuant  
1877 to s. 718.113(5) and remains responsible for a pro rata share of  
1878 the expense of the replacement, operation, repair, and  
1879 maintenance of such ~~shutters, impact glass, code-compliant~~  
1880 ~~windows or doors, or other types of code-compliant~~ hurricane  
1881 protection. Expenses for the installation, replacement,  
1882 operation, repair, or maintenance of hurricane protection on  
1883 common elements and association property are common expenses.

1884 Section 11. Paragraph (a) of subsection (8) of section  
1885 718.116, Florida Statutes, is amended to read

1886 718.116 Assessments; liability; lien and priority;  
1887 interest; collection.—

1888 (8) Within 10 business days after receiving a written or  
1889 electronic request therefor from a unit owner or the unit  
1890 owner's designee, or a unit mortgagee or the unit mortgagee's  
1891 designee, the association shall issue the estoppel certificate.  
1892 Each association shall designate on its website a person or  
1893 entity with a street or e-mail address for receipt of a request  
1894 for an estoppel certificate issued pursuant to this section. The  
1895 estoppel certificate must be provided by hand delivery, regular



1896 mail, or e-mail to the requestor on the date of issuance of the  
1897 estoppel certificate.

1898 (a) An estoppel certificate may be completed by any board  
1899 member, authorized agent, or authorized representative of the  
1900 association, including any authorized agent, authorized  
1901 representative, or employee of a management company authorized  
1902 to complete this form on behalf of the board or association. The  
1903 estoppel certificate must contain all of the following  
1904 information and must be substantially in the following form:

- 1905 1. Date of issuance:....
- 1906 2. Name(s) of the unit owner(s) as reflected in the books  
1907 and records of the association:....
- 1908 3. Unit designation and address:....
- 1909 4. Parking or garage space number, as reflected in the  
1910 books and records of the association:....
- 1911 5. Attorney's name and contact information if the account  
1912 is delinquent and has been turned over to an attorney for  
1913 collection. No fee may be charged for this information.
- 1914 6. Fee for the preparation and delivery of the estoppel  
1915 certificate:....
- 1916 7. Name of the requestor:....
- 1917 8. Assessment information and other information:

1918  
1919 ASSESSMENT INFORMATION:

- 1920
- 1921 a. The regular periodic assessment levied against the unit  
1922 is \$.... per ...(insert frequency of payment)....
- 1923 b. The regular periodic assessment is paid through  
1924 ...(insert date paid through)....



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1925 c. The next installment of the regular periodic assessment  
1926 is due ... (insert due date) ... in the amount of \$.....

1927 d. An itemized list of all assessments, special  
1928 assessments, and other moneys owed on the date of issuance to  
1929 the association by the unit owner for a specific unit is  
1930 provided.

1931 e. An itemized list of any additional assessments, special  
1932 assessments, contingent special assessments, and other moneys  
1933 that are scheduled to become due for each day after the date of  
1934 issuance for the effective period of the estoppel certificate is  
1935 provided. In calculating the amounts that are scheduled to  
1936 become due, the association may assume that any delinquent  
1937 amounts will remain delinquent during the effective period of  
1938 the estoppel certificate.

1939 f. Any line of credit for which a contingent special  
1940 assessment may be imposed.

1941

1942 OTHER INFORMATION:

1943

1944 ~~g.f.~~ Is there a capital contribution fee, resale fee,  
1945 transfer fee, or other fee due? ....(Yes) ....(No). If yes,  
1946 specify the type and the amount of the fee.

1947 ~~h.g.~~ Is there any open violation of rule or regulation  
1948 noticed to the unit owner in the association official records?  
1949 ....(Yes) ....(No).

1950 ~~i.h.~~ Do the rules and regulations of the association  
1951 applicable to the unit require approval by the board of  
1952 directors of the association for the transfer of the unit?  
1953 ....(Yes) ....(No). If yes, has the board approved the transfer



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1954 of the unit? ....(Yes) ....(No).

1955 ~~j.i.~~ Is there a right of first refusal provided to the  
1956 members or the association? ....(Yes) ....(No). If yes, have the  
1957 members or the association exercised that right of first  
1958 refusal? ....(Yes) ....(No).

1959 ~~k.j.~~ Provide a list of, and contact information for, all  
1960 other associations of which the unit is a member.

1961 ~~l.k.~~ Provide contact information for all insurance  
1962 maintained by the association.

1963 ~~m.l.~~ Provide the signature of an officer or authorized  
1964 agent of the association.

1965

1966 The association, at its option, may include additional  
1967 information in the estoppel certificate.

1968 Section 12. Paragraph (a) of subsection (4) of section  
1969 718.121, Florida Statutes, is amended to read:

1970 718.121 Liens.—

1971 (4) (a) If an association sends out an invoice for  
1972 assessments or a unit's statement of the account described in s.  
1973 718.111(12)(a)11.c. ~~s. 718.111(12)(a)11.b.~~, the invoice for  
1974 assessments or the unit's statement of account must be delivered  
1975 to the unit owner by first-class United States mail or by  
1976 electronic transmission to the unit owner's e-mail address  
1977 maintained in the association's official records.

1978 Section 13. Section 718.1224, Florida Statutes, is amended  
1979 to read:

1980 718.1224 Prohibition against SLAPP suits; other prohibited  
1981 actions.—

1982 (1) It is the intent of the Legislature to protect the



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1983 right of condominium unit owners to exercise their rights to  
1984 instruct their representatives and petition for redress of  
1985 grievances before their condominium association and the various  
1986 governmental entities of this state as protected by the First  
1987 Amendment to the United States Constitution and s. 5, Art. I of  
1988 the State Constitution. The Legislature recognizes that  
1989 strategic lawsuits against public participation, or "SLAPP  
1990 suits," as they are typically referred to, have occurred when  
1991 association members are sued by condominium associations,  
1992 individuals, business entities, or governmental entities arising  
1993 out of a condominium unit owner's appearance and presentation  
1994 before the board of the condominium association or a  
1995 governmental entity on matters related to the condominium  
1996 association. However, it is the public policy of this state that  
1997 condominium associations, governmental entities, business  
1998 organizations, and individuals not engage in SLAPP suits,  
1999 because such actions are inconsistent with the right of  
2000 condominium unit owners to participate in their condominium  
2001 association and in the state's institutions of government.  
2002 Therefore, the Legislature finds and declares that prohibiting  
2003 such lawsuits by condominium associations, governmental  
2004 entities, business entities, and individuals against condominium  
2005 unit owners who address matters concerning their condominium  
2006 association will preserve this fundamental state policy,  
2007 preserve the constitutional rights of condominium unit owners,  
2008 ~~and~~ ensure the continuation of representative government in this  
2009 state, and ensure unit owner participation in condominium  
2010 associations. It is the intent of the Legislature that such  
2011 lawsuits be expeditiously disposed of by the courts. As used in



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2012 this subsection, the term "governmental entity" means the state,  
2013 including the executive, legislative, and judicial branches of  
2014 government; law enforcement agencies; the independent  
2015 establishments of the state, counties, municipalities,  
2016 districts, authorities, boards, or commissions; or any agencies  
2017 of these branches that are subject to chapter 286.

2018 (2) A condominium association, governmental entity,  
2019 business organization, or individual in this state may not file  
2020 or cause to be filed through its employees or agents any  
2021 lawsuit, cause of action, claim, cross-claim, or counterclaim  
2022 against a condominium unit owner without merit and solely  
2023 because such condominium unit owner has exercised the right to  
2024 instruct his or her representatives or the right to petition for  
2025 redress of grievances before the condominium association or the  
2026 various governmental entities of this state, as protected by the  
2027 First Amendment to the United States Constitution and s. 5, Art.  
2028 I of the State Constitution.

2029 (3) A condominium association may not fine,  
2030 discriminatorily increase a unit owner's assessments or  
2031 discriminatorily decrease services to a unit owner, or bring or  
2032 threaten to bring an action for possession or other civil  
2033 action, including a defamation, libel, slander, or tortious  
2034 interference action, based on conduct described in paragraphs  
2035 (a) through (f). In order for the unit owner to raise the  
2036 defense of retaliatory conduct, the unit owner must have acted  
2037 in good faith and not for any improper purposes, such as to  
2038 harass or to cause unnecessary delay or for frivolous purpose or  
2039 needless increase in the cost of litigation. Examples of conduct  
2040 for which a condominium association, officer, director, or agent



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2041 of an association may not retaliate include, but are not limited  
2042 to, situations where:

2043 (a) The unit owner has in good faith complained to a  
2044 governmental agency charged with responsibility for enforcement  
2045 of a building, housing, or health code of a suspected violation  
2046 applicable to the condominium;

2047 (b) The unit owner has organized, encouraged, or  
2048 participated in a unit owners' organization;

2049 (c) The unit owner submitted information or filed a  
2050 complaint alleging criminal violations or violations of this  
2051 chapter or the rules of the division with the division, the  
2052 Office of the Condominium Ombudsman, a law enforcement agency, a  
2053 state attorney, the Attorney General, or any other governmental  
2054 agency;

2055 (d) The unit owner has exercised his or her rights under  
2056 this chapter;

2057 (e) The unit owner has complained to the association or any  
2058 of its representatives for their failure to comply with this  
2059 chapter or chapter 617; or

2060 (f) The unit owner has made public statements critical of  
2061 the operation or management of the association.

2062 (4) Evidence of retaliatory conduct may be raised by the  
2063 unit owner as a defense in any action brought against him or her  
2064 for possession.

2065 (5) A condominium unit owner sued by a condominium  
2066 association, governmental entity, business organization, or  
2067 individual in violation of this section has a right to an  
2068 expeditious resolution of a claim that the suit is in violation  
2069 of this section. A condominium unit owner may petition the court



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2070 for an order dismissing the action or granting final judgment in  
2071 favor of that condominium unit owner. The petitioner may file a  
2072 motion for summary judgment, together with supplemental  
2073 affidavits, seeking a determination that the condominium  
2074 association's, governmental entity's, business organization's,  
2075 or individual's lawsuit has been brought in violation of this  
2076 section. The condominium association, governmental entity,  
2077 business organization, or individual shall thereafter file its  
2078 response and any supplemental affidavits. As soon as  
2079 practicable, the court shall set a hearing on the petitioner's  
2080 motion, which shall be held at the earliest possible time after  
2081 the filing of the condominium association's, governmental  
2082 entity's, business organization's, or individual's response. The  
2083 court may award the condominium unit owner sued by the  
2084 condominium association, governmental entity, business  
2085 organization, or individual actual damages arising from the  
2086 condominium association's, governmental entity's, individual's,  
2087 or business organization's violation of this section. A court  
2088 may treble the damages awarded to a prevailing condominium unit  
2089 owner and shall state the basis for the treble damages award in  
2090 its judgment. The court shall award the prevailing party  
2091 reasonable attorney's fees and costs incurred in connection with  
2092 a claim that an action was filed in violation of this section.

2093 (6)-(4) Condominium associations may not expend association  
2094 funds in prosecuting a SLAPP suit against a condominium unit  
2095 owner.

2096 (7) Condominium associations may not expend association  
2097 funds in support of a defamation, libel, slander, or tortious  
2098 interference action against a unit owner or any other claim



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2099 against a unit owner based on conduct described in paragraphs  
2100 (3) (a) - (f).

2101 Section 14. Paragraph (p) of subsection (4) of section  
2102 718.301, Florida Statutes, is amended to read:

2103 718.301 Transfer of association control; claims of defect  
2104 by association.—

2105 (4) At the time that unit owners other than the developer  
2106 elect a majority of the members of the board of administration  
2107 of an association, the developer shall relinquish control of the  
2108 association, and the unit owners shall accept control.

2109 Simultaneously, or for the purposes of paragraph (c) not more  
2110 than 90 days thereafter, the developer shall deliver to the  
2111 association, at the developer's expense, all property of the  
2112 unit owners and of the association which is held or controlled  
2113 by the developer, including, but not limited to, the following  
2114 items, if applicable, as to each condominium operated by the  
2115 association:

2116 (p) Notwithstanding when the certificate of occupancy was  
2117 issued or the height of the building, a turnover inspection  
2118 report included in the official records, under seal of an  
2119 architect or engineer authorized to practice in this state or a  
2120 person certified as a reserve specialist or professional reserve  
2121 analyst by the Community Associations Institute or the  
2122 Association of Professional Reserve Analysts, and consisting of  
2123 a structural integrity reserve study attesting to required  
2124 maintenance, condition, useful life, and replacement costs of  
2125 the following applicable condominium property:

- 2126 1. Roof.  
2127 2. Structure, including load-bearing walls and primary



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2128 structural members and primary structural systems as those terms  
2129 are defined in s. 627.706.

2130 3. Fireproofing and fire protection systems.

2131 4. Plumbing.

2132 5. Electrical systems.

2133 6. Waterproofing and exterior painting.

2134 7. Windows and exterior doors.

2135 Section 15. Paragraph (a) of subsection (2) of section  
2136 718.3026, Florida Statutes, is amended to read:

2137 718.3026 Contracts for products and services; in writing;  
2138 bids; exceptions.—Associations with 10 or fewer units may opt  
2139 out of the provisions of this section if two-thirds of the unit  
2140 owners vote to do so, which opt-out may be accomplished by a  
2141 proxy specifically setting forth the exception from this  
2142 section.

2143 (2)(a) Notwithstanding the foregoing, contracts with  
2144 employees of the association, and contracts for attorney,  
2145 accountant, architect, community association manager, timeshare  
2146 management firm, engineering, registered investment adviser, and  
2147 landscape architect services are not subject to the provisions  
2148 of this section.

2149 Section 16. Subsections (4) and (5) of section 718.3027,  
2150 Florida Statutes, are amended to read:

2151 718.3027 Conflicts of interest.—

2152 (4) A director or an officer, or a relative of a director  
2153 or an officer, who is a party to, or has an interest in, an  
2154 activity that is a possible conflict of interest, as described  
2155 in subsection (1), may attend the meeting at which the activity  
2156 is considered by the board and is authorized to make a



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2157 presentation to the board regarding the activity. After the  
2158 presentation, the director or officer, and any ~~or the~~ relative  
2159 of the director or officer, must leave the meeting during the  
2160 discussion of, and the vote on, the activity. A director or an  
2161 officer who is a party to, or has an interest in, the activity  
2162 must recuse himself or herself from the vote. The attendance of  
2163 a director with a possible conflict of interest at the meeting  
2164 of the board is sufficient to constitute a quorum for the  
2165 meeting and the vote in his or her absence on the proposed  
2166 activity.

2167 (5) A contract entered into between a director or an  
2168 officer, or a relative of a director or an officer, and the  
2169 association, which is not a timeshare condominium association,  
2170 that has not been properly disclosed as a conflict of interest  
2171 or potential conflict of interest as required by this section or  
2172 s. 617.0832 ~~s. 718.111(12)(g)~~ is voidable and terminates upon  
2173 the filing of a written notice terminating the contract with the  
2174 board of directors which contains the consent of at least 20  
2175 percent of the voting interests of the association.

2176 Section 17. Subsection (5) of section 718.303, Florida  
2177 Statutes, is amended to read:

2178 718.303 Obligations of owners and occupants; remedies.—

2179 (5) An association may suspend the voting rights of a unit  
2180 owner or member due to nonpayment of any fee, fine, or other  
2181 monetary obligation due to the association which is more than  
2182 \$1,000 and more than 90 days delinquent. Proof of such  
2183 obligation must be provided to the unit owner or member 30 days  
2184 before such suspension takes effect. Notice of such obligation  
2185 must also be provided to the unit owner at least 90 days before



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2186 an election. A voting interest or consent right allocated to a  
2187 unit owner or member which has been suspended by the association  
2188 shall be subtracted from the total number of voting interests in  
2189 the association, which shall be reduced by the number of  
2190 suspended voting interests when calculating the total percentage  
2191 or number of all voting interests available to take or approve  
2192 any action, and the suspended voting interests shall not be  
2193 considered for any purpose, including, but not limited to, the  
2194 percentage or number of voting interests necessary to constitute  
2195 a quorum, the percentage or number of voting interests required  
2196 to conduct an election, or the percentage or number of voting  
2197 interests required to approve an action under this chapter or  
2198 pursuant to the declaration, articles of incorporation, or  
2199 bylaws. The suspension ends upon full payment of all obligations  
2200 currently due or overdue the association. The notice and hearing  
2201 requirements under subsection (3) do not apply to a suspension  
2202 imposed under this subsection.

2203 Section 18. Subsections (1) and (2) of section 718.501,  
2204 Florida Statutes, are amended to read:

2205 718.501 Authority, responsibility, and duties of Division  
2206 of Florida Condominiums, Timeshares, and Mobile Homes.—

2207 (1) The division may enforce and ensure compliance with  
2208 this chapter and rules relating to the development,  
2209 construction, sale, lease, ownership, operation, and management  
2210 of residential condominium units and complaints related to the  
2211 procedural completion of milestone inspections under s. 553.899.  
2212 In performing its duties, the division has complete jurisdiction  
2213 to investigate complaints and enforce compliance with respect to  
2214 associations that are still under developer control or the



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2215 control of a bulk assignee or bulk buyer pursuant to part VII of  
2216 this chapter and complaints against developers, bulk assignees,  
2217 or bulk buyers involving improper turnover or failure to  
2218 turnover, pursuant to s. 718.301. ~~However, after turnover has~~  
2219 ~~occurred, the division has jurisdiction to investigate~~  
2220 ~~complaints related only to financial issues, elections, and the~~  
2221 ~~maintenance of and unit owner access to association records~~  
2222 ~~under s. 718.111(12), and the procedural completion of~~  
2223 ~~structural integrity reserve studies under s. 718.112(2)(g).~~

2224 (a)1. The division may make necessary public or private  
2225 investigations within or outside this state to determine whether  
2226 any person has violated this chapter or any rule or order  
2227 hereunder, to aid in the enforcement of this chapter, or to aid  
2228 in the adoption of rules or forms.

2229 2. The division may submit any official written report,  
2230 worksheet, or other related paper, or a duly certified copy  
2231 thereof, compiled, prepared, drafted, or otherwise made by and  
2232 duly authenticated by a financial examiner or analyst to be  
2233 admitted as competent evidence in any hearing in which the  
2234 financial examiner or analyst is available for cross-examination  
2235 and attests under oath that such documents were prepared as a  
2236 result of an examination or inspection conducted pursuant to  
2237 this chapter.

2238 (b) The division may require or permit any person to file a  
2239 statement in writing, under oath or otherwise, as the division  
2240 determines, as to the facts and circumstances concerning a  
2241 matter to be investigated.

2242 (c) For the purpose of any investigation under this  
2243 chapter, the division director or any officer or employee



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2244 designated by the division director may administer oaths or  
2245 affirmations, subpoena witnesses and compel their attendance,  
2246 take evidence, and require the production of any matter which is  
2247 relevant to the investigation, including the existence,  
2248 description, nature, custody, condition, and location of any  
2249 books, documents, or other tangible things and the identity and  
2250 location of persons having knowledge of relevant facts or any  
2251 other matter reasonably calculated to lead to the discovery of  
2252 material evidence. Upon the failure by a person to obey a  
2253 subpoena or to answer questions propounded by the investigating  
2254 officer and upon reasonable notice to all affected persons, the  
2255 division may apply to the circuit court for an order compelling  
2256 compliance.

2257 (d) Notwithstanding any remedies available to unit owners  
2258 and associations, if the division has reasonable cause to  
2259 believe that a violation of any provision of this chapter or  
2260 related rule has occurred, the division may institute  
2261 enforcement proceedings in its own name against any developer,  
2262 bulk assignee, bulk buyer, association, officer, or member of  
2263 the board of administration, or its assignees or agents, as  
2264 follows:

2265 1. The division may permit a person whose conduct or  
2266 actions may be under investigation to waive formal proceedings  
2267 and enter into a consent proceeding whereby orders, rules, or  
2268 letters of censure or warning, whether formal or informal, may  
2269 be entered against the person.

2270 2. The division may issue an order requiring the developer,  
2271 bulk assignee, bulk buyer, association, developer-designated  
2272 officer, or developer-designated member of the board of



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2273 administration, developer-designated assignees or agents, bulk  
2274 assignee-designated assignees or agents, bulk buyer-designated  
2275 assignees or agents, community association manager, or community  
2276 association management firm to cease and desist from the  
2277 unlawful practice and take such affirmative action as in the  
2278 judgment of the division carry out the purposes of this chapter.  
2279 If the division finds that a developer, bulk assignee, bulk  
2280 buyer, association, officer, or member of the board of  
2281 administration, or its assignees or agents, is violating or is  
2282 about to violate any provision of this chapter, any rule adopted  
2283 or order issued by the division, or any written agreement  
2284 entered into with the division, and presents an immediate danger  
2285 to the public requiring an immediate final order, it may issue  
2286 an emergency cease and desist order reciting with particularity  
2287 the facts underlying such findings. The emergency cease and  
2288 desist order is effective for 90 days. If the division begins  
2289 nonemergency cease and desist proceedings, the emergency cease  
2290 and desist order remains effective until the conclusion of the  
2291 proceedings under ss. 120.569 and 120.57.

2292 3. If a developer, bulk assignee, or bulk buyer fails to  
2293 pay any restitution determined by the division to be owed, plus  
2294 any accrued interest at the highest rate permitted by law,  
2295 within 30 days after expiration of any appellate time period of  
2296 a final order requiring payment of restitution or the conclusion  
2297 of any appeal thereof, whichever is later, the division must  
2298 bring an action in circuit or county court on behalf of any  
2299 association, class of unit owners, lessees, or purchasers for  
2300 restitution, declaratory relief, injunctive relief, or any other  
2301 available remedy. The division may also temporarily revoke its



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2302 acceptance of the filing for the developer to which the  
2303 restitution relates until payment of restitution is made.

2304 4. The division may petition the court for appointment of a  
2305 receiver or conservator. If appointed, the receiver or  
2306 conservator may take action to implement the court order to  
2307 ensure the performance of the order and to remedy any breach  
2308 thereof. In addition to all other means provided by law for the  
2309 enforcement of an injunction or temporary restraining order, the  
2310 circuit court may impound or sequester the property of a party  
2311 defendant, including books, papers, documents, and related  
2312 records, and allow the examination and use of the property by  
2313 the division and a court-appointed receiver or conservator.

2314 5. The division may apply to the circuit court for an order  
2315 of restitution whereby the defendant in an action brought under  
2316 subparagraph 4. is ordered to make restitution of those sums  
2317 shown by the division to have been obtained by the defendant in  
2318 violation of this chapter. At the option of the court, such  
2319 restitution is payable to the conservator or receiver appointed  
2320 under subparagraph 4. or directly to the persons whose funds or  
2321 assets were obtained in violation of this chapter.

2322 6. The division may impose a civil penalty against a  
2323 developer, bulk assignee, or bulk buyer, or association, or its  
2324 assignee or agent, for any violation of this chapter, or related  
2325 rule, or chapter 617. The division may impose a civil penalty  
2326 individually against an officer or board member who willfully  
2327 and knowingly violates this chapter, an adopted rule, or a final  
2328 order of the division; may order the removal of such individual  
2329 as an officer or from the board of administration or as an  
2330 officer of the association; and may prohibit such individual



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2331 from serving as an officer or on the board of a community  
2332 association for a period of time. The term "willfully and  
2333 knowingly" means that the division informed the officer or board  
2334 member that his or her action or intended action violates this  
2335 chapter, a rule adopted under this chapter, or a final order of  
2336 the division and that the officer or board member refused to  
2337 comply with the requirements of this chapter, a rule adopted  
2338 under this chapter, or a final order of the division. The  
2339 division, before initiating formal agency action under chapter  
2340 120, must afford the officer or board member an opportunity to  
2341 voluntarily comply, and an officer or board member who complies  
2342 within 10 days is not subject to a civil penalty. A penalty may  
2343 be imposed on the basis of each day of continuing violation, but  
2344 the penalty for any offense may not exceed \$5,000. The division  
2345 shall adopt, by rule, penalty guidelines applicable to possible  
2346 violations or to categories of violations of this chapter or  
2347 rules adopted by the division. The guidelines must specify a  
2348 meaningful range of civil penalties for each such violation of  
2349 the statute and rules and must be based upon the harm caused by  
2350 the violation, upon the repetition of the violation, and upon  
2351 such other factors deemed relevant by the division. For example,  
2352 the division may consider whether the violations were committed  
2353 by a developer, bulk assignee, or bulk buyer, or owner-  
2354 controlled association, the size of the association, and other  
2355 factors. The guidelines must designate the possible mitigating  
2356 or aggravating circumstances that justify a departure from the  
2357 range of penalties provided by the rules. It is the legislative  
2358 intent that minor violations be distinguished from those which  
2359 endanger the health, safety, or welfare of the condominium



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2360 residents or other persons and that such guidelines provide  
2361 reasonable and meaningful notice to the public of likely  
2362 penalties that may be imposed for proscribed conduct. This  
2363 subsection does not limit the ability of the division to  
2364 informally dispose of administrative actions or complaints by  
2365 stipulation, agreed settlement, or consent order. All amounts  
2366 collected shall be deposited with the Chief Financial Officer to  
2367 the credit of the Division of Florida Condominiums, Timeshares,  
2368 and Mobile Homes Trust Fund. If a developer, bulk assignee, or  
2369 bulk buyer fails to pay the civil penalty and the amount deemed  
2370 to be owed to the association, the division shall issue an order  
2371 directing that such developer, bulk assignee, or bulk buyer  
2372 cease and desist from further operation until such time as the  
2373 civil penalty is paid or may pursue enforcement of the penalty  
2374 in a court of competent jurisdiction. If an association fails to  
2375 pay the civil penalty, the division shall pursue enforcement in  
2376 a court of competent jurisdiction, and the order imposing the  
2377 civil penalty or the cease and desist order is not effective  
2378 until 20 days after the date of such order. Any action commenced  
2379 by the division shall be brought in the county in which the  
2380 division has its executive offices or in the county where the  
2381 violation occurred.

2382         7. If a unit owner presents the division with proof that  
2383 the unit owner has requested access to official records in  
2384 writing by certified mail, and that after 10 days the unit owner  
2385 again made the same request for access to official records in  
2386 writing by certified mail, and that more than 10 days has  
2387 elapsed since the second request and the association has still  
2388 failed or refused to provide access to official records as



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2389 required by this chapter, the division shall issue a subpoena  
2390 requiring production of the requested records where the records  
2391 are kept pursuant to s. 718.112. Upon receipt of the records,  
2392 the division must provide without charge the produced official  
2393 records to the unit owner who was denied access to such records.

2394 8. In addition to subparagraph 6., the division may seek  
2395 the imposition of a civil penalty through the circuit court for  
2396 any violation for which the division may issue a notice to show  
2397 cause under paragraph (s) ~~(r)~~. The civil penalty shall be at  
2398 least \$500 but no more than \$5,000 for each violation. The court  
2399 may also award to the prevailing party court costs and  
2400 reasonable attorney fees and, if the division prevails, may also  
2401 award reasonable costs of investigation.

2402 (e) The division may prepare and disseminate a prospectus  
2403 and other information to assist prospective owners, purchasers,  
2404 lessees, and developers of residential condominiums in assessing  
2405 the rights, privileges, and duties pertaining thereto.

2406 (f) The division may adopt rules to administer and enforce  
2407 this chapter.

2408 (g) The division shall establish procedures for providing  
2409 notice to an association and the developer, bulk assignee, or  
2410 bulk buyer during the period in which the developer, bulk  
2411 assignee, or bulk buyer controls the association if the division  
2412 is considering the issuance of a declaratory statement with  
2413 respect to the declaration of condominium or any related  
2414 document governing such condominium community.

2415 (h) The division shall furnish each association that pays  
2416 the fees required by paragraph (2) (a) a copy of this chapter, as  
2417 amended, and the rules adopted thereto on an annual basis.



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2418 (i) The division shall annually provide each association  
2419 with a summary of declaratory statements and formal legal  
2420 opinions relating to the operations of condominiums which were  
2421 rendered by the division during the previous year.

2422 (j) The division shall provide training and educational  
2423 programs for condominium association board members and unit  
2424 owners. The training may, in the division's discretion, include  
2425 web-based electronic media and live training and seminars in  
2426 various locations throughout the state. The division may review  
2427 and approve education and training programs for board members  
2428 and unit owners offered by providers and shall maintain a  
2429 current list of approved programs and providers and make such  
2430 list available to board members and unit owners in a reasonable  
2431 and cost-effective manner. The division shall provide the  
2432 educational curriculum required under s. 718.112(2)(d) and issue  
2433 a certificate of satisfactory completion to directors of the  
2434 board of administration at no charge, including when the  
2435 required educational curriculum is provided by a division-  
2436 approved condominium education provider.

2437 (k) The division shall maintain a toll-free telephone  
2438 number accessible to condominium unit owners.

2439 (l) The division shall develop a program to certify both  
2440 volunteer and paid mediators to provide mediation of condominium  
2441 disputes. The division shall provide, upon request, a list of  
2442 such mediators to any association, unit owner, or other  
2443 participant in alternative dispute resolution proceedings under  
2444 s. 718.1255 requesting a copy of the list. The division shall  
2445 include on the list of volunteer mediators only the names of  
2446 persons who have received at least 20 hours of training in



2447 mediation techniques or who have mediated at least 20 disputes.  
2448 In order to become initially certified by the division, paid  
2449 mediators must be certified by the Supreme Court to mediate  
2450 court cases in county or circuit courts. However, the division  
2451 may adopt, by rule, additional factors for the certification of  
2452 paid mediators, which must be related to experience, education,  
2453 or background. Any person initially certified as a paid mediator  
2454 by the division must, in order to continue to be certified,  
2455 comply with the factors or requirements adopted by rule.

2456 (m) If a complaint is made, the division must conduct its  
2457 inquiry with due regard for the interests of the affected  
2458 parties. Within 30 days after receipt of a complaint, the  
2459 division shall acknowledge the complaint in writing and notify  
2460 the complainant whether the complaint is within the jurisdiction  
2461 of the division and whether additional information is needed by  
2462 the division from the complainant. The division shall conduct  
2463 its investigation and, within 90 days after receipt of the  
2464 original complaint or of timely requested additional  
2465 information, take action upon the complaint. However, the  
2466 failure to complete the investigation within 90 days does not  
2467 prevent the division from continuing the investigation,  
2468 accepting or considering evidence obtained or received after 90  
2469 days, or taking administrative action if reasonable cause exists  
2470 to believe that a violation of this chapter or a rule has  
2471 occurred. If an investigation is not completed within the time  
2472 limits established in this paragraph, the division shall, on a  
2473 monthly basis, notify the complainant in writing of the status  
2474 of the investigation. When reporting its action to the  
2475 complainant, the division shall inform the complainant of any



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2476 right to a hearing under ss. 120.569 and 120.57. The division  
2477 may adopt rules regarding the submission of a complaint against  
2478 an association.

2479 (n) Condominium association directors, officers, and  
2480 employees; condominium developers; bulk assignees, bulk buyers,  
2481 and community association managers; and community association  
2482 management firms have an ongoing duty to reasonably cooperate  
2483 with the division in any investigation under this section. The  
2484 division shall refer to local law enforcement authorities any  
2485 person whom the division believes has altered, destroyed,  
2486 concealed, or removed any record, document, or thing required to  
2487 be kept or maintained by this chapter with the purpose to impair  
2488 its verity or availability in the department's investigation.  
2489 The division shall refer to local law enforcement authorities  
2490 any person whom the division believes has engaged in fraud,  
2491 theft, embezzlement, or other criminal activity or when the  
2492 division has cause to believe that fraud, theft, embezzlement,  
2493 or other criminal activity has occurred.

2494 (o) The division director or any officer or employee of the  
2495 division, and the condominium ombudsman or employee of the  
2496 Office of the Condominium Ombudsman may attend and observe any  
2497 meeting of the board of administration or unit owner meeting,  
2498 including any meeting of a subcommittee or special committee,  
2499 that is open to members of the association for the purpose of  
2500 performing the duties of the division or the Office of the  
2501 Condominium Ombudsman under this chapter.

2502 (p) The division may:

2503 1. Contract with agencies in this state or other  
2504 jurisdictions to perform investigative functions; or



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2505 2. Accept grants-in-aid from any source.

2506 (q)~~(p)~~ The division shall cooperate with similar agencies  
2507 in other jurisdictions to establish uniform filing procedures  
2508 and forms, public offering statements, advertising standards,  
2509 and rules and common administrative practices.

2510 (r)~~(q)~~ The division shall consider notice to a developer,  
2511 bulk assignee, or bulk buyer to be complete when it is delivered  
2512 to the address of the developer, bulk assignee, or bulk buyer  
2513 currently on file with the division.

2514 (s)~~(r)~~ In addition to its enforcement authority, the  
2515 division may issue a notice to show cause, which must provide  
2516 for a hearing, upon written request, in accordance with chapter  
2517 120.

2518 (t) The division shall routinely conduct random audits of  
2519 condominium associations to determine compliance with the  
2520 website or application requirements for official records under  
2521 s. 718.111(12)(g).

2522 (u)~~(s)~~ The division shall submit to the Governor, the  
2523 President of the Senate, the Speaker of the House of  
2524 Representatives, and the chairs of the legislative  
2525 appropriations committees an annual report that includes, but  
2526 need not be limited to, the number of training programs provided  
2527 for condominium association board members and unit owners, the  
2528 number of complaints received by type, the number and percent of  
2529 complaints acknowledged in writing within 30 days and the number  
2530 and percent of investigations acted upon within 90 days in  
2531 accordance with paragraph (m), and the number of investigations  
2532 exceeding the 90-day requirement. The annual report must also  
2533 include an evaluation of the division's core business processes



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2534 and make recommendations for improvements, including statutory  
2535 changes. The report shall be submitted by September 30 following  
2536 the end of the fiscal year.

2537 (2) (a) Each condominium association which operates more  
2538 than two units shall pay to the division an annual fee in the  
2539 amount of \$4 for each residential unit in condominiums operated  
2540 by the association. The annual fee shall be filed together with  
2541 the annual certification described in paragraph (c). If the fee  
2542 is not paid by March 1, the association shall be assessed a  
2543 penalty of 10 percent of the amount due, and the association  
2544 will not have standing to maintain or defend any action in the  
2545 courts of this state until the amount due, plus any penalty, is  
2546 paid.

2547 (b) All fees shall be deposited in the Division of Florida  
2548 Condominiums, Timeshares, and Mobile Homes Trust Fund as  
2549 provided by law.

2550 (c) On the certification form provided by the division, the  
2551 directors of the association shall certify that all directors of  
2552 the association have completed the written certification and  
2553 educational certificate requirements in s. 718.112(2)(d)4.b.

2554 Section 19. Subsection (1) of section 718.618, Florida  
2555 Statutes, is amended to read:

2556 718.618 Converter reserve accounts; warranties.—

2557 (1) When existing improvements are converted to ownership  
2558 as a residential condominium, the developer shall establish  
2559 converter reserve accounts for capital expenditures and planned  
2560 ~~deferred~~ maintenance, or give warranties as provided by  
2561 subsection (6), or post a surety bond as provided by subsection  
2562 (7). The developer shall fund the converter reserve accounts in



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2563 amounts calculated as follows:

2564 (a)1. When the existing improvements include an air-  
2565 conditioning system serving more than one unit or property which  
2566 the association is responsible to repair, maintain, or replace,  
2567 the developer shall fund an air-conditioning reserve account.  
2568 The amount of the reserve account shall be the product of the  
2569 estimated current replacement cost of the system, as disclosed  
2570 and substantiated pursuant to s. 718.616(3)(b), multiplied by a  
2571 fraction, the numerator of which shall be the lesser of the age  
2572 of the system in years or 9, and the denominator of which shall  
2573 be 10. When such air-conditioning system is within 1,000 yards  
2574 of the seacoast, the numerator shall be the lesser of the age of  
2575 the system in years or 3, and the denominator shall be 4.

2576 2. The developer shall fund a plumbing reserve account. The  
2577 amount of the funding shall be the product of the estimated  
2578 current replacement cost of the plumbing component, as disclosed  
2579 and substantiated pursuant to s. 718.616(3)(b), multiplied by a  
2580 fraction, the numerator of which shall be the lesser of the age  
2581 of the plumbing in years or 36, and the denominator of which  
2582 shall be 40.

2583 3. The developer shall fund a roof reserve account. The  
2584 amount of the funding shall be the product of the estimated  
2585 current replacement cost of the roofing component, as disclosed  
2586 and substantiated pursuant to s. 718.616(3)(b), multiplied by a  
2587 fraction, the numerator of which shall be the lesser of the age  
2588 of the roof in years or the numerator listed in the following  
2589 table. The denominator of the fraction shall be determined based  
2590 on the roof type, as follows:

2591



	Roof Type	Numerator	Denominator
2592	a. Built-up roof without insulation	4	5
2593	b. Built-up roof with insulation	4	5
2594	c. Cement tile roof	45	50
2595	d. Asphalt shingle roof	14	15
2596	e. Copper roof		
2597	f. Wood shingle roof	9	10
2598	g. All other types	18	20
2599			
2600			
2601	(b) The age of any component or structure for which the		
2602	developer is required to fund a reserve account shall be		
2603	measured in years, rounded to the nearest whole year. The amount		
2604	of converter reserves to be funded by the developer for each		
2605	structure or component shall be based on the age of the		
2606	structure or component as disclosed in the inspection report.		
2607	The architect or engineer shall determine the age of the		
2608	component from the later of:		
2609	1. The date when the component or structure was replaced or		



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2610 substantially renewed, if the replacement or renewal of the  
2611 component at least met the requirements of the then-applicable  
2612 building code; or

2613         2. The date when the installation or construction of the  
2614 existing component or structure was completed.

2615         (c) When the age of a component or structure is to be  
2616 measured from the date of replacement or renewal, the developer  
2617 shall provide the division with a certificate, under the seal of  
2618 an architect or engineer authorized to practice in this state,  
2619 verifying:

2620             1. The date of the replacement or renewal; and

2621             2. That the replacement or renewal at least met the  
2622 requirements of the then-applicable building code.

2623         (d) In addition to establishing the reserve accounts  
2624 specified above, the developer shall establish those other  
2625 reserve accounts required by s. 718.112(2)(f), and shall fund  
2626 those accounts in accordance with the formula provided therein.  
2627 The vote to waive or reduce the funding or reserves required by  
2628 s. 718.112(2)(f) does not affect or negate the obligations  
2629 arising under this section.

2630         Section 20. Paragraphs (j) and (k) of subsection (1) of  
2631 section 719.106, Florida Statutes, are amended to read:

2632             719.106 Bylaws; cooperative ownership.—

2633             (1) MANDATORY PROVISIONS.—The bylaws or other cooperative  
2634 documents shall provide for the following, and if they do not,  
2635 they shall be deemed to include the following:

2636             (j) *Annual budget*.—

2637             1. The proposed annual budget of common expenses must be  
2638 detailed and must show the amounts budgeted by accounts and



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2639 expense classifications, including, if applicable, but not  
2640 limited to, those expenses listed in s. 719.504(20). The board  
2641 of administration shall adopt the annual budget at least 14 days  
2642 before the start of the association's fiscal year. In the event  
2643 that the board fails to timely adopt the annual budget a second  
2644 time, it is deemed a minor violation and the prior year's budget  
2645 shall continue in effect until a new budget is adopted.

2646         2. In addition to annual operating expenses, the budget  
2647 must include reserve accounts for capital expenditures and  
2648 planned ~~deferred~~ maintenance. These accounts must include, but  
2649 not be limited to, roof replacement, building painting, and  
2650 pavement resurfacing, regardless of the amount of planned  
2651 ~~deferred~~ maintenance expense or replacement cost, and for any  
2652 other items for which the planned ~~deferred~~ maintenance expense  
2653 or replacement cost exceeds \$10,000. The amount to be reserved  
2654 must be computed by means of a formula which is based upon  
2655 estimated remaining useful life and estimated replacement cost  
2656 or planned ~~deferred~~ maintenance expense of the reserve item. In  
2657 a budget adopted by an association that is required to obtain a  
2658 structural integrity reserve study, reserves must be maintained  
2659 for the items identified in paragraph (k) for which the  
2660 association is responsible pursuant to the declaration, and the  
2661 reserve amount for such items must be based on the findings and  
2662 recommendations of the association's most recent structural  
2663 integrity reserve study. With respect to items for which an  
2664 estimate of useful life is not readily ascertainable or with an  
2665 estimated remaining useful life of greater than 25 years, an  
2666 association is not required to reserve replacement costs for  
2667 such items, but an association must reserve the amount of



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2668 planned ~~deferred~~ maintenance expense, if any, which is  
2669 recommended by the structural integrity reserve study for such  
2670 items. The association may adjust replacement reserve  
2671 assessments annually to take into account an inflation  
2672 adjustment and any changes in estimates or extension of the  
2673 useful life of a reserve item caused by planned ~~deferred~~  
2674 maintenance. The members of a unit-owner-controlled association  
2675 may determine, by a majority vote of the total voting interests  
2676 of the association, for a fiscal year to provide no reserves or  
2677 reserves less adequate than required by this subsection. Before  
2678 turnover of control of an association by a developer to unit  
2679 owners other than a developer under s. 719.301, the developer-  
2680 controlled association may not vote to waive the reserves or  
2681 reduce funding of the reserves. For a budget adopted on or after  
2682 December 31, 2024, a unit-owner-controlled association that must  
2683 obtain a structural integrity reserve study may not determine to  
2684 provide no reserves or reserves less adequate than required by  
2685 this paragraph for items listed in paragraph (k). If a meeting  
2686 of the unit owners has been called to determine to provide no  
2687 reserves, or reserves less adequate than required, and such  
2688 result is not attained or a quorum is not attained, the reserves  
2689 as included in the budget shall go into effect.

2690         3. Reserve funds and any interest accruing thereon shall  
2691 remain in the reserve account or accounts, and shall be used  
2692 only for authorized reserve expenditures unless their use for  
2693 other purposes is approved in advance by a vote of the majority  
2694 of the total voting interests of the association. Before  
2695 turnover of control of an association by a developer to unit  
2696 owners other than the developer under s. 719.301, the developer



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2697 may not vote to use reserves for purposes other than that for  
2698 which they were intended. For a budget adopted on or after  
2699 December 31, 2024, members of a unit-owner-controlled  
2700 association that must obtain a structural integrity reserve  
2701 study may not vote to use reserve funds, or any interest  
2702 accruing thereon, for purposes other than the replacement or  
2703 planned ~~deferred~~ maintenance costs of the components listed in  
2704 paragraph (k).

2705 (k) *Structural integrity reserve study.*—

2706 1. A residential cooperative association must have a  
2707 structural integrity reserve study completed at least every 10  
2708 years for each building on the cooperative property that is  
2709 three stories or higher in height, as determined by the Florida  
2710 Building Code, that includes, at a minimum, a study of the  
2711 following items as related to the structural integrity and  
2712 safety of the building:

2713 a. Roof.

2714 b. Structure, including load-bearing walls and other  
2715 primary structural members and primary structural systems as  
2716 those terms are defined in s. 627.706.

2717 c. Fireproofing and fire protection systems.

2718 d. Plumbing.

2719 e. Electrical systems.

2720 f. Waterproofing and exterior painting.

2721 g. Windows and exterior doors.

2722 h. Any other item that has a planned ~~deferred~~ maintenance  
2723 expense or replacement cost that exceeds \$10,000 and the failure  
2724 to replace or maintain such item negatively affects the items  
2725 listed in sub-subparagraphs a.-g., as determined by the visual



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2726 inspection portion of the structural integrity reserve study.

2727         2. A structural integrity reserve study is based on a  
2728 visual inspection of the cooperative property. A structural  
2729 integrity reserve study may be performed by any person qualified  
2730 to perform such study. However, the visual inspection portion of  
2731 the structural integrity reserve study must be performed or  
2732 verified by an engineer licensed under chapter 471, an architect  
2733 licensed under chapter 481, or a person certified as a reserve  
2734 specialist or professional reserve analyst by the Community  
2735 Associations Institute or the Association of Professional  
2736 Reserve Analysts.

2737         3. At a minimum, a structural integrity reserve study must  
2738 identify each item of the cooperative property being visually  
2739 inspected, state the estimated remaining useful life and the  
2740 estimated replacement cost or planned ~~deferred~~ maintenance  
2741 expense of each item of the cooperative property being visually  
2742 inspected, and provide a reserve funding schedule with a  
2743 recommended annual reserve amount that achieves the estimated  
2744 replacement cost or planned ~~deferred~~ maintenance expense of each  
2745 item of cooperative property being visually inspected by the end  
2746 of the estimated remaining useful life of the item. The  
2747 structural integrity reserve study may recommend that reserves  
2748 do not need to be maintained for any item for which an estimate  
2749 of useful life and an estimate of replacement cost cannot be  
2750 determined, or the study may recommend a planned ~~deferred~~  
2751 maintenance expense amount for such item. The structural  
2752 integrity reserve study may recommend that reserves for  
2753 replacement costs do not need to be maintained for any item with  
2754 an estimated remaining useful life of greater than 25 years, but



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2755 the study may recommend a planned ~~deferred~~ maintenance expense  
2756 amount for such item.

2757 4. This paragraph does not apply to buildings less than  
2758 three stories in height; single-family, two-family, or three-  
2759 family dwellings with three or fewer habitable stories above  
2760 ground; any portion or component of a building that has not been  
2761 submitted to the cooperative form of ownership; or any portion  
2762 or component of a building that is maintained by a party other  
2763 than the association.

2764 5. Before a developer turns over control of an association  
2765 to unit owners other than the developer, the developer must have  
2766 a turnover inspection report in compliance with s. 719.301(4)(p)  
2767 and (q) for each building on the cooperative property that is  
2768 three stories or higher in height.

2769 6. Associations existing on or before July 1, 2022, which  
2770 are controlled by unit owners other than the developer, must  
2771 have a structural integrity reserve study completed by December  
2772 31, 2024, for each building on the cooperative property that is  
2773 three stories or higher in height, except that the structural  
2774 integrity reserve study may be completed after December 31,  
2775 2024, if the association has entered into a contract for the  
2776 performance of a structural integrity reserve study and the  
2777 study cannot reasonably be performed or completed by December  
2778 31, 2024. An association that is required to complete a  
2779 milestone inspection on or before December 31, 2026, in  
2780 accordance with s. 553.899 may complete the structural integrity  
2781 reserve study simultaneously with the milestone inspection. In  
2782 no event may the structural integrity reserve study be completed  
2783 after December 31, 2026.



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2784           7. If the milestone inspection required by s. 553.899, or  
2785 an inspection completed for a similar local requirement, was  
2786 performed within the past 5 years and meets the requirements of  
2787 this paragraph, such inspection may be used in place of the  
2788 visual inspection portion of the structural integrity reserve  
2789 study.

2790           8. If the officers or directors of an association willfully  
2791 and knowingly fail to complete a structural integrity reserve  
2792 study pursuant to this paragraph, such failure is a breach of an  
2793 officer's and director's fiduciary relationship to the unit  
2794 owners under s. 719.104(9).

2795           9. Within 45 days after receiving the structural integrity  
2796 reserve study, the association must distribute a copy of the  
2797 study to each unit owner or deliver to each unit owner a notice  
2798 that the completed study is available for inspection and copying  
2799 upon a written request. Distribution of a copy of the study or  
2800 notice must be made by United States mail or personal delivery  
2801 at the mailing address, property address, or any other address  
2802 of the owner provided to fulfill the association's notice  
2803 requirements under this chapter, or by electronic transmission  
2804 to the e-mail address or facsimile number provided to fulfill  
2805 the association's notice requirements to unit owners who  
2806 previously consented to receive notice by electronic  
2807 transmission.

2808           Section 21. Paragraph (p) of subsection (4) of section  
2809 719.301, Florida Statutes, is amended to read:

2810           719.301 Transfer of association control.—

2811           (4) When unit owners other than the developer elect a  
2812 majority of the members of the board of administration of an



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2813 association, the developer shall relinquish control of the  
2814 association, and the unit owners shall accept control.  
2815 Simultaneously, or for the purpose of paragraph (c) not more  
2816 than 90 days thereafter, the developer shall deliver to the  
2817 association, at the developer's expense, all property of the  
2818 unit owners and of the association held or controlled by the  
2819 developer, including, but not limited to, the following items,  
2820 if applicable, as to each cooperative operated by the  
2821 association:

2822 (p) Notwithstanding when the certificate of occupancy was  
2823 issued or the height of the building, a turnover inspection  
2824 report included in the official records, under seal of an  
2825 architect or engineer authorized to practice in this state or a  
2826 person certified as a reserve specialist or professional reserve  
2827 analyst by the Community Associations Institute or the  
2828 Association of Professional Reserve Analysts, consisting of a  
2829 structural integrity reserve study attesting to required  
2830 maintenance, condition, useful life, and replacement costs of  
2831 the following applicable cooperative property:

- 2832 1. Roof.
- 2833 2. Structure, including load-bearing walls and primary  
2834 structural members and primary structural systems as those terms  
2835 are defined in s. 627.706.
- 2836 3. Fireproofing and fire protection systems.
- 2837 4. Plumbing.
- 2838 5. Electrical systems.
- 2839 6. Waterproofing and exterior painting.
- 2840 7. Windows and exterior doors.

2841 Section 22. Subsection (1) of section 719.618, Florida



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2842 Statutes, is amended to read:

2843 719.618 Converter reserve accounts; warranties.—

2844 (1) When existing improvements are converted to ownership  
2845 as a residential cooperative, the developer shall establish  
2846 reserve accounts for capital expenditures and planned ~~deferred~~  
2847 maintenance, or give warranties as provided by subsection (6),  
2848 or post a surety bond as provided by subsection (7). The  
2849 developer shall fund the reserve accounts in amounts calculated  
2850 as follows:

2851 (a)1. When the existing improvements include an air-  
2852 conditioning system serving more than one unit or property which  
2853 the association is responsible to repair, maintain, or replace,  
2854 the developer shall fund an air-conditioning reserve account.  
2855 The amount of the reserve account shall be the product of the  
2856 estimated current replacement cost of the system, as disclosed  
2857 and substantiated pursuant to s. 719.616(3)(b), multiplied by a  
2858 fraction, the numerator of which shall be the lesser of the age  
2859 of the system in years or 9, and the denominator of which shall  
2860 be 10. When such air-conditioning system is within 1,000 yards  
2861 of the seacoast, the numerator shall be the lesser of the age of  
2862 the system in years or 3, and the denominator shall be 4.

2863 2. The developer shall fund a plumbing reserve account. The  
2864 amount of the funding shall be the product of the estimated  
2865 current replacement cost of the plumbing component, as disclosed  
2866 and substantiated pursuant to s. 719.616(3)(b), multiplied by a  
2867 fraction, the numerator of which shall be the lesser of the age  
2868 of the plumbing in years or 36, and the denominator of which  
2869 shall be 40.

2870 3. The developer shall fund a roof reserve account. The



2871 amount of the funding shall be the product of the estimated  
2872 current replacement cost of the roofing component, as disclosed  
2873 and substantiated pursuant to s. 719.616(3)(b), multiplied by a  
2874 fraction, the numerator of which shall be the lesser of the age  
2875 of the roof in years or the numerator listed in the following  
2876 table. The denominator of the fraction shall be determined based  
2877 on the roof type, as follows:

2878	Roof Type	Numerator	Denominator
2879	a. Built-up roof without insulation	4	5
2880	b. Built-up roof with insulation	4	5
2881	c. Cement tile roof	45	50
2882	d. Asphalt shingle roof	14	15
2883	e. Copper roof		
2884	f. Wood shingle roof	9	10
2885	g. All other types	18	20

2886  
2887  
2888 (b) The age of any component or structure for which the



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2889 developer is required to fund a reserve account shall be  
2890 measured in years from the later of:

2891 1. The date when the component or structure was replaced or  
2892 substantially renewed, if the replacement or renewal of the  
2893 component at least met the requirements of the then-applicable  
2894 building code; or

2895 2. The date when the installation or construction of the  
2896 existing component or structure was completed.

2897 (c) When the age of a component or structure is to be  
2898 measured from the date of replacement or renewal, the developer  
2899 shall provide the division with a certificate, under the seal of  
2900 an architect or engineer authorized to practice in this state,  
2901 verifying:

2902 1. The date of the replacement or renewal; and

2903 2. That the replacement or renewal at least met the  
2904 requirements of the then-applicable building code.

2905 Section 23. The Division of Florida Condominiums,  
2906 Timeshares, and Mobile Homes of the Department of Business and  
2907 Professional Regulation shall complete a review of the website  
2908 or application requirements for official records under s.  
2909 718.111(12)(g), Florida Statutes, and make recommendations  
2910 regarding any additional official records of a condominium  
2911 association that should be included in the record maintenance  
2912 requirement in the statute. The division shall submit the  
2913 findings of its review to the Governor, the President of the  
2914 Senate, the Speaker of the House of Representatives, and the  
2915 chairs of the legislative appropriations committees and  
2916 appropriate substantive committees with jurisdiction over  
2917 chapter 718, Florida Statutes, by February 1, 2025.



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2918 Section 24. Except as otherwise expressly provided in this  
2919 act, this act shall take effect July 1, 2024.

2920  
2921 ===== T I T L E A M E N D M E N T =====

2922 And the title is amended as follows:

2923 Delete everything before the enacting clause  
2924 and insert:

2925 A bill to be entitled  
2926 An act relating to community associations; amending s.  
2927 468.4334, F.S.; requiring community associations or  
2928 successor community association managers and  
2929 management firms to return official records of an  
2930 association within a specified period following  
2931 termination of a contract; specifying the manner of  
2932 delivery for the notice of termination; authorizing  
2933 the manager to retain records for a specified purpose  
2934 within a specified timeframe; relieving a manager from  
2935 responsibility if the association fails to provide  
2936 access to the records necessary to complete an ending  
2937 financial statement or report; providing a rebuttable  
2938 presumption regarding noncompliance; providing  
2939 penalties for the failure to timely return official  
2940 records; creating s. 468.4335, F.S.; requiring  
2941 community association managers and management firms to  
2942 provide a written disclosure of certain conflicts of  
2943 interest to the association's board; providing a  
2944 rebuttable presumption as to the existence of a  
2945 conflict; requiring an association to solicit multiple  
2946 competitive bids for goods or services under certain



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2947 circumstances; providing requirements for an  
2948 association to approve any contract or transaction  
2949 deemed a conflict of interest; authorizing that any  
2950 such contract may be canceled, subject to certain  
2951 requirements; specifying liability and nonliability of  
2952 the association upon cancellation of such a contract;  
2953 authorizing an association to cancel a contract with a  
2954 community association manager or management firm upon  
2955 a finding of a violation of certain provisions;  
2956 specifying liability and nonliability of the  
2957 association upon cancellation of such a contract;  
2958 authorizing an association to void certain contracts  
2959 if certain conflicts were not disclosed in accordance  
2960 with the act; defining the term "relative"; providing  
2961 applicability amending s. 468.436, F.S.; revising the  
2962 list of grounds for which the Department of Business  
2963 and Professional Regulation may take disciplinary  
2964 actions against community association managers or  
2965 firms to conform to changes made by the act; amending  
2966 s. 718.103, F.S.; revising the definition of the term  
2967 "alternative funding method" to conform to changes  
2968 made by the act; defining the term "hurricane  
2969 protection"; amending s. 718.104, F.S.; requiring that  
2970 declarations specify the entity responsible for the  
2971 installation, maintenance, repair, or replacement of  
2972 hurricane protection; amending s. 718.111, F.S.;  
2973 providing criminal penalties for any officer,  
2974 director, or manager of an association who unlawfully  
2975 solicits, offers to accept, or accepts any thing or



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2976 service of value or kickback; requiring any officer,  
2977 director, or manager of an association be removed from  
2978 office for such solicitations or kickbacks; revising  
2979 the list of records that constitute the official  
2980 records of an association; revising maintenance  
2981 requirements for official records; revising  
2982 requirements regarding requests to inspect or copy  
2983 association records; requiring an association to  
2984 provide a checklist in response to certain records  
2985 requests; providing a rebuttable presumption regarding  
2986 compliance; providing criminal penalties for certain  
2987 violations regarding noncompliance with records  
2988 requirements; requiring a member of the board or  
2989 association be removed from office for noncompliance  
2990 with records requirements; requiring the officer be  
2991 removed and a vacancy declared; defining the term  
2992 "repeatedly"; requiring that copies of certain  
2993 building permits be posted on an association's website  
2994 or application; modifying the method of delivery of  
2995 certain letters regarding association financial  
2996 reports to unit owners; conforming a provision to  
2997 changes made by the act; revising circumstances under  
2998 which an association may prepare certain reports;  
2999 requiring an association to prepare certain financial  
3000 statements if it invests funds in a certain manner;  
3001 revising applicable law for criminal penalties for  
3002 persons who unlawfully use a debit card issued in the  
3003 name of an association; defining the term "lawful  
3004 obligation of the association"; providing requirements



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3005 for associations investing funds in certain investment  
3006 products; providing duties of the board and any  
3007 investment adviser selected by the board; revising the  
3008 threshold for associations that must post certain  
3009 documents on its website or through an application;  
3010 amending s. 718.112, F.S.; requiring the boards of  
3011 administration of associations consisting of more than  
3012 a specified number of units to meet a minimum number  
3013 of times each quarter; revising requirements regarding  
3014 notice of such meetings; requiring a director of a  
3015 board of an association to provide a written  
3016 certification and complete an educational requirement  
3017 upon election or appointment to the board; providing  
3018 transitional provisions; requiring that an  
3019 association's budget include reserve amounts for  
3020 planned maintenance, in lieu of deferred maintenance;  
3021 authorizing the structural integrity reserve study to  
3022 temporarily pause or limit reserve funding if certain  
3023 conditions exist; providing an exception for certain  
3024 associations to complete a structural integrity  
3025 reserve study by a certain date; requiring an  
3026 association to distribute or deliver copies of a  
3027 structural integrity reserve study to unit owners  
3028 within a specified timeframe; specifying the manner of  
3029 distribution or delivery; authorizing certain boards  
3030 to approve contingent special assessments in order to  
3031 secure a line of credit under certain circumstances;  
3032 specifying requirements and limitations for any line  
3033 of credit secured; revising the circumstances under



3034 which a director or an officer must be removed from  
3035 office after being charged by information or  
3036 indictment; prohibiting such officers and directors  
3037 with pending criminal charges from accessing the  
3038 official records of any association; providing an  
3039 exception; providing criminal penalties for certain  
3040 fraudulent voting activities relating to association  
3041 elections; requiring any person charged to be removed  
3042 from office and a vacancy be declared; amending s.  
3043 718.113, F.S.; providing applicability; authorizing,  
3044 rather than requiring, certain hurricane protection  
3045 specifications; specifying that certain actions are  
3046 not material alterations or substantial additions;  
3047 authorizing the boards of residential and mixed-use  
3048 condominiums to install or require the unit owners to  
3049 install hurricane protection; requiring a vote of the  
3050 unit owners for the installation of hurricane  
3051 protection; requiring that such vote be attested to in  
3052 a certificate and recorded in certain public records;  
3053 providing requirements for such certificate; providing  
3054 that the validity or enforceability of a vote of the  
3055 unit owners is not affected if the board fails to  
3056 record a certificate or send a copy of the recorded  
3057 certificate to the unit owners; providing that a vote  
3058 of the unit owners is not required under certain  
3059 circumstances; prohibiting installation of the same  
3060 type of hurricane protection previously installed;  
3061 providing exceptions; prohibiting the boards of  
3062 residential and mixed-use condominiums from refusing



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3063 to approve certain hurricane protections; authorizing  
3064 the board to require owners to adhere to certain  
3065 guidelines regarding the external appearance of a  
3066 condominium; revising responsibility for the cost of  
3067 removal or reinstallation of hurricane protection and  
3068 certain exterior windows, doors, or apertures in  
3069 certain circumstances; requiring the board to make a  
3070 certain determination; providing that costs incurred  
3071 by the association in connection with such removal or  
3072 installation completed by the association may not be  
3073 charged to the unit owner; requiring reimbursement of  
3074 the unit owner, or application of a credit toward  
3075 future assessments, in certain circumstances;  
3076 authorizing the association to collect charges if the  
3077 association removes or installs hurricane protection  
3078 and making such charges enforceable as an assessment;  
3079 amending s. 718.115, F.S.; specifying when the cost of  
3080 installation of hurricane protection is not a common  
3081 expense; authorizing certain expenses to be  
3082 enforceable as assessments; requiring that certain  
3083 unit owners be excused from certain assessments or to  
3084 receive a credit for hurricane protection that has  
3085 been installed; providing credit applicability under  
3086 certain circumstances; providing for the amount of  
3087 credit that a unit owner must receive; specifying that  
3088 certain expenses are common expenses; amending s.  
3089 718.116, F.S.; revising the itemized lists of certain  
3090 assessments and lines of credit for special  
3091 assessments imposed to be included in an estoppel



3092 certificate; conforming a cross-reference; amending s.  
3093 718.121, F.S.; conforming a cross-reference; amending  
3094 s. 718.1224, F.S.; revising legislative findings and  
3095 intent to conform to changes made by the act; revising  
3096 the definition of the term "governmental entity";  
3097 prohibiting a condominium association from filing  
3098 strategic lawsuits against public participation;  
3099 prohibiting an association from taking certain action  
3100 against a unit owner in response to specified conduct;  
3101 prohibiting associations from expending association  
3102 funds in support of certain actions against a unit  
3103 owner; conforming provisions to changes made by the  
3104 act; amending s. 718.301, F.S.; revising items that  
3105 developers are required to deliver to an association  
3106 upon relinquishing control of the association;  
3107 amending s. 718.3026, F.S.; exempting contracts for  
3108 registered investment advisers from certain contract  
3109 requirements; amending s. 718.3027, F.S.; revising  
3110 requirements regarding attendance at a board meeting  
3111 in the event of a conflict of interest; modifying  
3112 circumstances under which a contract may be voided;  
3113 amending s. 718.303, F.S.; requiring that a notice of  
3114 nonpayment be provided to a unit owner by a specified  
3115 time before an election; amending s. 718.501, F.S.;  
3116 revising circumstances under which the Division of  
3117 Florida Condominiums, Timeshares, and Mobile Homes has  
3118 jurisdiction to investigate and enforce certain  
3119 matters; requiring the division to provide official  
3120 records, without charge, to a unit owner denied



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3121 access; requiring the division to provide educational  
3122 curriculum and issue a certificate, free of charge, to  
3123 directors of a board of administration; requiring the  
3124 division to refer suspected criminal acts to the  
3125 appropriate law enforcement authority; authorizing  
3126 certain division officials to attend association  
3127 meetings; requiring the division to conduct random  
3128 audits of associations for specified purposes;  
3129 requiring that an association's annual fee be filed  
3130 concurrently with the annual certification; specifying  
3131 requirements for the annual certification; amending s.  
3132 718.618, F.S.; conforming a provision to changes made  
3133 by the act; amending s. 719.106, F.S.; requiring that  
3134 a cooperative association's budget include reserve  
3135 amounts for planned maintenance, in lieu of deferred  
3136 maintenance; providing an exception for certain  
3137 associations to complete a structural integrity  
3138 reserve study by a certain date; requiring an  
3139 association to distribute or deliver copies of a  
3140 structural integrity reserve study to unit owners  
3141 within a specified timeframe; specifying the manner of  
3142 distribution or delivery; conforming provisions to  
3143 changes made by the act; amending s. 719.301, F.S.;  
3144 revising items that developers are required to deliver  
3145 to a cooperative association upon relinquishing  
3146 control of association property; amending s. 719.618,  
3147 F.S.; conforming a provision to changes made by the  
3148 act; requiring the division to conduct a review of  
3149 statutory requirements regarding posting of official



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3150 records on a condominium association's website or  
3151 application; requiring the division to submit its  
3152 findings, including any recommendations, to the  
3153 Governor and the Legislature by a specified date;  
3154 providing effective dates.