

By the Committee on Regulated Industries; and Senators Bradley, Pizzo, and Osgood

580-02351-24

20241178c1

1                   A bill to be entitled  
2       An act relating to community associations; amending s.  
3       468.4334, F.S.; requiring community associations or  
4       successor community association managers and  
5       management firms to return official records of an  
6       association within a specified period following  
7       termination of a contract; specifying the manner of  
8       delivery for the notice of termination; authorizing  
9       the manager to retain records for a specified purpose  
10      within a specified timeframe; relieving a manager from  
11      responsibility if the association fails to provide  
12      access to the records necessary to complete an ending  
13      financial statement or report; providing a rebuttable  
14      presumption regarding noncompliance; providing  
15      penalties for the failure to timely return official  
16      records; creating s. 468.4335, F.S.; requiring  
17      community association managers and management firms to  
18      provide a written disclosure of certain conflicts of  
19      interest to the association's board; providing a  
20      rebuttable presumption as to the existence of a  
21      conflict; requiring an association to solicit multiple  
22      competitive bids for goods or services under certain  
23      circumstances; providing requirements for an  
24      association to approve any contract or transaction  
25      deemed a conflict of interest; authorizing that any  
26      such contract may be canceled, subject to certain  
27      requirements; specifying liability and nonliability of  
28      the association upon cancellation of such a contract;  
29      authorizing an association to cancel a contract with a

580-02351-24

20241178c1

30 community association manager or management firm upon  
31 a finding of a violation of certain provisions;  
32 specifying liability and nonliability of the  
33 association upon cancellation of such a contract;  
34 authorizing an association to void certain contracts  
35 if certain conflicts were not disclosed in accordance  
36 with the act; defining the term "relative"; providing  
37 applicability amending s. 468.436, F.S.; revising the  
38 list of grounds for which the Department of Business  
39 and Professional Regulation may take disciplinary  
40 actions against community association managers or  
41 firms to conform to changes made by the act; amending  
42 s. 718.103, F.S.; revising the definition of the term  
43 "alternative funding method" to conform to changes  
44 made by the act; defining the term "hurricane  
45 protection"; amending s. 718.104, F.S.; requiring that  
46 declarations specify the entity responsible for the  
47 installation, maintenance, repair, or replacement of  
48 hurricane protection; amending s. 718.111, F.S.;  
49 providing criminal penalties for any officer,  
50 director, or manager of an association who unlawfully  
51 solicits, offers to accept, or accepts any thing or  
52 service of value or kickback; requiring any officer,  
53 director, or manager of an association be removed from  
54 office for such solicitations or kickbacks; revising  
55 the list of records that constitute the official  
56 records of an association; revising maintenance  
57 requirements for official records; revising  
58 requirements regarding requests to inspect or copy

580-02351-24

20241178c1

59 association records; requiring an association to  
60 provide a checklist in response to certain records  
61 requests; providing a rebuttable presumption regarding  
62 compliance; providing criminal penalties for certain  
63 violations regarding noncompliance with records  
64 requirements; requiring a member of the board or  
65 association be removed from office for noncompliance  
66 with records requirements; requiring the officer be  
67 removed and a vacancy declared; defining the term  
68 "repeatedly"; requiring that copies of certain  
69 building permits be posted on an association's website  
70 or application; modifying the method of delivery of  
71 certain letters regarding association financial  
72 reports to unit owners; conforming a provision to  
73 changes made by the act; revising circumstances under  
74 which an association may prepare certain reports;  
75 requiring an association to prepare certain financial  
76 statements if it invests funds in a certain manner;  
77 revising applicable law for criminal penalties for  
78 persons who unlawfully use a debit card issued in the  
79 name of an association; defining the term "lawful  
80 obligation of the association"; providing requirements  
81 for associations investing funds in certain investment  
82 products; providing duties of the board and any  
83 investment adviser selected by the board; revising the  
84 threshold for associations that must post certain  
85 documents on its website or through an application;  
86 amending s. 718.112, F.S.; requiring the boards of  
87 administration of associations consisting of more than

580-02351-24

20241178c1

88 a specified number of units to meet a minimum number  
89 of times each quarter; revising requirements regarding  
90 notice of such meetings; requiring a director of a  
91 board of an association to provide a written  
92 certification and complete an educational requirement  
93 upon election or appointment to the board; providing  
94 transitional provisions; requiring that an  
95 association's budget include reserve amounts for  
96 planned maintenance, in lieu of deferred maintenance;  
97 authorizing the structural integrity reserve study to  
98 temporarily pause or limit reserve funding if certain  
99 conditions exist; providing an exception for certain  
100 associations to complete a structural integrity  
101 reserve study by a certain date; requiring an  
102 association to distribute or deliver copies of a  
103 structural integrity reserve study to unit owners  
104 within a specified timeframe; specifying the manner of  
105 distribution or delivery; authorizing certain boards  
106 to approve contingent special assessments in order to  
107 secure a line of credit under certain circumstances;  
108 specifying requirements and limitations for any line  
109 of credit secured; revising the circumstances under  
110 which a director or an officer must be removed from  
111 office after being charged by information or  
112 indictment; prohibiting such officers and directors  
113 with pending criminal charges from accessing the  
114 official records of any association; providing an  
115 exception; providing criminal penalties for certain  
116 fraudulent voting activities relating to association

580-02351-24

20241178c1

117 elections; requiring any person charged to be removed  
118 from office and a vacancy be declared; amending s.  
119 718.113, F.S.; providing applicability; authorizing,  
120 rather than requiring, certain hurricane protection  
121 specifications; specifying that certain actions are  
122 not material alterations or substantial additions;  
123 authorizing the boards of residential and mixed-use  
124 condominiums to install or require the unit owners to  
125 install hurricane protection; requiring a vote of the  
126 unit owners for the installation of hurricane  
127 protection; requiring that such vote be attested to in  
128 a certificate and recorded in certain public records;  
129 providing requirements for such certificate; providing  
130 that the validity or enforceability of a vote of the  
131 unit owners is not affected if the board fails to  
132 record a certificate or send a copy of the recorded  
133 certificate to the unit owners; providing that a vote  
134 of the unit owners is not required under certain  
135 circumstances; prohibiting installation of the same  
136 type of hurricane protection previously installed;  
137 providing exceptions; prohibiting the boards of  
138 residential and mixed-use condominiums from refusing  
139 to approve certain hurricane protections; authorizing  
140 the board to require owners to adhere to certain  
141 guidelines regarding the external appearance of a  
142 condominium; revising responsibility for the cost of  
143 removal or reinstallation of hurricane protection and  
144 certain exterior windows, doors, or apertures in  
145 certain circumstances; requiring the board to make a

580-02351-24

20241178c1

146 certain determination; providing that costs incurred  
147 by the association in connection with such removal or  
148 installation completed by the association may not be  
149 charged to the unit owner; requiring reimbursement of  
150 the unit owner, or application of a credit toward  
151 future assessments, in certain circumstances;  
152 authorizing the association to collect charges if the  
153 association removes or installs hurricane protection  
154 and making such charges enforceable as an assessment;  
155 amending s. 718.115, F.S.; specifying when the cost of  
156 installation of hurricane protection is not a common  
157 expense; authorizing certain expenses to be  
158 enforceable as assessments; requiring that certain  
159 unit owners be excused from certain assessments or to  
160 receive a credit for hurricane protection that has  
161 been installed; providing credit applicability under  
162 certain circumstances; providing for the amount of  
163 credit that a unit owner must receive; specifying that  
164 certain expenses are common expenses; amending s.  
165 718.116, F.S.; revising the itemized lists of certain  
166 assessments and lines of credit for special  
167 assessments imposed to be included in an estoppel  
168 certificate; conforming a cross-reference; amending s.  
169 718.121, F.S.; conforming a cross-reference; amending  
170 s. 718.1224, F.S.; revising legislative findings and  
171 intent to conform to changes made by the act; revising  
172 the definition of the term "governmental entity";  
173 prohibiting a condominium association from filing  
174 strategic lawsuits against public participation;

580-02351-24

20241178c1

175 prohibiting an association from taking certain action  
176 against a unit owner in response to specified conduct;  
177 prohibiting associations from expending association  
178 funds in support of certain actions against a unit  
179 owner; conforming provisions to changes made by the  
180 act; amending s. 718.128, F.S.; authorizing a  
181 condominium association to conduct elections and other  
182 unit owner votes through an online voting system if a  
183 unit owner consents, either electronically or in  
184 writing, to online voting; revising applicability;  
185 amending s. 718.301, F.S.; revising items that  
186 developers are required to deliver to an association  
187 upon relinquishing control of the association;  
188 amending s. 718.3026, F.S.; exempting contracts for  
189 registered investment advisers from certain contract  
190 requirements; amending s. 718.3027, F.S.; revising  
191 requirements regarding attendance at a board meeting  
192 in the event of a conflict of interest; modifying  
193 circumstances under which a contract may be voided;  
194 amending s. 718.303, F.S.; requiring that a notice of  
195 nonpayment be provided to a unit owner by a specified  
196 time before an election; amending s. 718.501, F.S.;  
197 revising circumstances under which the Division of  
198 Florida Condominiums, Timeshares, and Mobile Homes has  
199 jurisdiction to investigate and enforce certain  
200 matters; requiring the division to provide official  
201 records, without charge, to a unit owner denied  
202 access; requiring the division to provide educational  
203 curriculum and issue a certificate, free of charge, to

580-02351-24

20241178c1

204 directors of a board of administration; requiring the  
205 division to refer suspected criminal acts to the  
206 appropriate law enforcement authority; authorizing  
207 certain division officials to attend association  
208 meetings; requiring the division to conduct random  
209 audits of associations for specified purposes;  
210 requiring that an association's annual fee be filed  
211 concurrently with the annual certification; specifying  
212 requirements for the annual certification; amending s.  
213 718.618, F.S.; conforming a provision to changes made  
214 by the act; amending s. 719.106, F.S.; requiring that  
215 a cooperative association's budget include reserve  
216 amounts for planned maintenance, in lieu of deferred  
217 maintenance; providing an exception for certain  
218 associations to complete a structural integrity  
219 reserve study by a certain date; requiring an  
220 association to distribute or deliver copies of a  
221 structural integrity reserve study to unit owners  
222 within a specified timeframe; specifying the manner of  
223 distribution or delivery; conforming provisions to  
224 changes made by the act; amending s. 719.129, F.S.;  
225 authorizing cooperative associations to conduct  
226 elections and other unit owner votes through an online  
227 voting system if a unit owner consents, either  
228 electronically or in writing, to online voting;  
229 revising applicability; amending s. 719.301, F.S.;  
230 revising items that developers are required to deliver  
231 to a cooperative association upon relinquishing  
232 control of association property; amending s. 719.618,

580-02351-24

20241178c1

233 F.S.; conforming a provision to changes made by the  
234 act; requiring the division to conduct a review of  
235 statutory requirements regarding posting of official  
236 records on a condominium association's website or  
237 application; requiring the division to submit its  
238 findings, including any recommendations, to the  
239 Governor and the Legislature by a specified date;  
240 providing effective dates.

241

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

243

244 Section 1. Subsection (3) is added to section 468.4334,  
245 Florida Statutes, to read:

246 468.4334 Professional practice standards; liability.-

247 (3) A community association manager or a community  
248 association management firm shall return all community  
249 association official records within its possession to the  
250 community association or successor community association manager  
251 or community association management firm within 20 business days  
252 after termination of a contractual agreement to provide  
253 community association management services to the community  
254 association or receipt of a written request for return of the  
255 official records, whichever occurs first. The notice of  
256 termination must be sent by certified mail, return receipt  
257 requested, or in the manner required under the management  
258 services contract. The manager may retain, for up to 20 business  
259 days, those records necessary to complete an ending financial  
260 statement or report. Failure of the association to provide  
261 access or retention of accounting records to prepare the

580-02351-24

20241178c1

262 statement or report shall relieve the manager of any further  
263 responsibility or liability for preparation of the statement or  
264 report. Failure of a community association manager or a  
265 community association management firm to timely return all of  
266 the official records within its possession to the community  
267 association creates a rebuttable presumption that the community  
268 association manager or a community association management firm  
269 willfully failed to comply with this subsection. A community  
270 association manager or a community association management firm  
271 that fails to timely return community association records is  
272 subject to suspension of its license under s. 468.436, and a  
273 civil penalty of \$1,000 per day for up to 10 days, assessed  
274 beginning on the 21st business day after termination of a  
275 contractual agreement to provide community association  
276 management services to the community association or receipt of a  
277 written request from the association for return of the records,  
278 whichever occurs first.

279 Section 2. Section 468.4335, Florida Statutes, is created  
280 to read:

281 468.4335 Conflicts of interest.-

282 (1) A community association manager or a community  
283 association management firm, including directors, officers,  
284 persons with a financial interest in a community association  
285 management firm, and the relatives of such persons, must provide  
286 a written disclosure to the board any activity that may  
287 reasonably be construed to be a conflict of interest. A  
288 rebuttable presumption of a conflict of interest exists if any  
289 of the following occurs without prior notice, as required in  
290 subsection (5):

580-02351-24

20241178c1

291 (a) A community association manager or a community  
292 association management firm, including directors, officers,  
293 persons with a financial interest in a community association  
294 management firm, or the relative of such persons, enters into a  
295 contract with the association for goods or services, other than  
296 community association management services.

297 (b) A community association manager or a community  
298 association management firm, including directors, officers,  
299 persons with a financial interest in a community association  
300 management firm, or the relative of such persons, holds an  
301 interest in a corporation, limited liability corporation,  
302 partnership, limited liability partnership, or other business  
303 entity that conducts business with the association or proposes  
304 to enter into a contract or other transaction with the  
305 association.

306 (2) If the association receives and considers a bid to  
307 provide a good or service, other than community association  
308 management services, from a community association manager or a  
309 community association management firm, including directors,  
310 officers, persons with a financial interest in a community  
311 association management firm, or a relative of such persons, the  
312 association must also solicit multiple competitive bids from  
313 other third-party providers of such good or service.

314 (3) If a community association manager or a community  
315 association management firm, including directors, officers,  
316 persons with a financial interest in a community association  
317 management firm, or the relative of such persons, proposes to  
318 engage in an activity that is a conflict of interest as  
319 described in subsection (1), the proposed activity must be

580-02351-24

20241178c1

320 listed on, and all contracts and transactional documents related  
321 to the proposed activity must be attached to, the meeting  
322 agenda. The disclosures must be entered into the written minutes  
323 of the meeting. Approval of any contract or other transaction  
324 requires an affirmative vote of two-thirds of all directors  
325 present. At the next regular or special meeting of the members,  
326 the existence of any contract or other transaction must be  
327 disclosed to the members.

328 (4) If the board finds that a community association manager  
329 or a community association management firm, including directors,  
330 officers, persons with a financial interest in a community  
331 association management firm, or the relative of such persons,  
332 has violated this section, the association may cancel its  
333 community association management contract with the community  
334 association manager or the community association management  
335 firm. If the contract is canceled, the association is liable  
336 only for the reasonable value of the management services  
337 provided up to the time of cancellation and is not liable for  
338 any termination fee, liquidated damages, or other form of  
339 penalty for such cancellation.

340 (5) If an association enters into a contract, other than a  
341 contract for community association management services, with a  
342 community association manager or a community association  
343 management firm, including directors, officers, persons with a  
344 financial interest in a community association management firm,  
345 or the relative of such persons, which is a party to or has an  
346 interest in an activity that is a possible conflict of interest  
347 as described in subsection (1) and that activity has not been  
348 properly disclosed as a conflict of interest or potential

580-02351-24

20241178c1

349 conflict of interest as required by this section, the contract  
350 is voidable and terminates upon the association filing a written  
351 notice terminating the contract.

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

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

359 Section 3. Paragraph (b) of subsection (2) of section  
360 468.436, Florida Statutes, is amended to read:

361 468.436 Disciplinary proceedings.—

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

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

365 2. Violation of any lawful order or rule rendered or  
366 adopted by the department or the council.

367 3. Being convicted of or pleading nolo contendere to a  
368 felony in any court in the United States.

369 4. Obtaining a license or certification or any other order,  
370 ruling, or authorization by means of fraud, misrepresentation,  
371 or concealment of material facts.

372 5. Committing acts of gross misconduct or gross negligence  
373 in connection with the profession.

374 6. Contracting, on behalf of an association, with any  
375 entity in which the licensee has a financial interest that is  
376 not disclosed.

377 7. Failing to disclose any conflict of interest as required

580-02351-24

20241178c1

378 by s. 468.4335.

379 8. Violating ~~any provision of~~ chapter 718, chapter 719, or  
380 chapter 720 during the course of performing community  
381 association management services pursuant to a contract with a  
382 community association as defined in s. 468.431(1).

383 Section 4. Present subsections (19) through (32) of section  
384 718.103, Florida Statutes, are redesignated as subsections (20)  
385 through (33), respectively, a new subsection (19) is added to  
386 that section, and subsection (1) of that section is amended, to  
387 read:

388 718.103 Definitions.—As used in this chapter, the term:

389 (1) "Alternative funding method" means a method approved by  
390 the division for funding the capital expenditures and planned  
391 ~~deferred~~ maintenance obligations for a multicondominium  
392 association operating at least 25 condominiums which may  
393 reasonably be expected to fully satisfy the association's  
394 reserve funding obligations by the allocation of funds in the  
395 annual operating budget.

396 (19) "Hurricane protection" means hurricane shutters,  
397 impact glass, code-compliant windows or doors, and other code-  
398 compliant hurricane protection products used to preserve and  
399 protect the condominium property or association property.

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

402 718.104 Creation of condominiums; contents of declaration.—  
403 Every condominium created in this state shall be created  
404 pursuant to this chapter.

405 (4) The declaration must contain or provide for the  
406 following matters:

580-02351-24

20241178c1

407       (p) For both residential condominiums and mixed-use  
408 condominiums, a statement that specifies whether the unit owner  
409 or the association is responsible for the installation,  
410 maintenance, repair, or replacement of hurricane protection that  
411 is for the preservation and protection of the condominium  
412 property and association property.

413       Section 6. Paragraph (a) of subsection (1) and subsections  
414 (12), (13), and (15) of section 718.111, Florida Statutes, are  
415 amended, and subsection (16) is added to that section, to read:

416       718.111 The association.—

417       (1) CORPORATE ENTITY.—

418       (a) The operation of the condominium shall be by the  
419 association, which must be a Florida corporation for profit or a  
420 Florida corporation not for profit. However, any association  
421 which was in existence on January 1, 1977, need not be  
422 incorporated. The owners of units shall be shareholders or  
423 members of the association. The officers and directors of the  
424 association have a fiduciary relationship to the unit owners. It  
425 is the intent of the Legislature that nothing in this paragraph  
426 shall be construed as providing for or removing a requirement of  
427 a fiduciary relationship between any manager employed by the  
428 association and the unit owners. An officer, director, or  
429 manager may not solicit, offer to accept, or accept any thing or  
430 service of value or kickback for which consideration has not  
431 been provided for his or her own benefit or that of his or her  
432 immediate family, from any person providing or proposing to  
433 provide goods or services to the association. Any such officer,  
434 director, or manager who knowingly so solicits, offers to  
435 accept, or accepts any thing or service of value or kickback,

580-02351-24

20241178c1

436 for which consideration has not been provided for his or her own  
437 benefit or that of his or her immediate family, from any person  
438 providing or proposing to provide goods or services to the  
439 association commits a felony of the third degree, punishable as  
440 provided in s. 775.082, s. 775.083, or s. 775.084, shall be  
441 deemed removed from office and a vacancy declared, and is  
442 subject to a civil penalty pursuant to s. 718.501(1)(d) ~~and, if~~  
443 ~~applicable, a criminal penalty as provided in paragraph (d).~~  
444 However, this paragraph does not prohibit an officer, director,  
445 or manager from accepting services or items received in  
446 connection with trade fairs or education programs. An  
447 association may operate more than one condominium.

448 (12) OFFICIAL RECORDS.—

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

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

454 2. A photocopy of the recorded declaration of condominium  
455 of each condominium operated by the association and each  
456 amendment to each declaration.

457 3. A photocopy of the recorded bylaws of the association  
458 and each amendment to the bylaws.

459 4. A certified copy of the articles of incorporation of the  
460 association, or other documents creating the association, and  
461 each amendment thereto.

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

463 6. A book or books that contain the minutes of all meetings  
464 of the association, the board of administration, and the unit

580-02351-24

20241178c1

465 owners.

466 7. A current roster of all unit owners and their mailing  
467 addresses, unit identifications, voting certifications, and, if  
468 known, telephone numbers. The association shall also maintain  
469 the e-mail addresses and facsimile numbers of unit owners  
470 consenting to receive notice by electronic transmission. The e-  
471 mail addresses and facsimile numbers are not accessible to unit  
472 owners if consent to receive notice by electronic transmission  
473 is not provided in accordance with sub-subparagraph (c)5.e.

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

477 8. All current insurance policies of the association and  
478 condominiums operated by the association.

479 9. A current copy of any management agreement, lease, or  
480 other contract to which the association is a party or under  
481 which the association or the unit owners have an obligation or  
482 responsibility.

483 10. Bills of sale or transfer for all property owned by the  
484 association.

485 11. Accounting records for the association and separate  
486 accounting records for each condominium that the association  
487 operates. Any person who knowingly or intentionally defaces or  
488 destroys such records, or who knowingly or intentionally fails  
489 to create or maintain such records, with the intent of causing  
490 harm to the association or one or more of its members, is  
491 personally subject to a civil penalty pursuant to s.

492 718.501(1)(d). The accounting records must include, but are not  
493 limited to:

580-02351-24

20241178c1

494 a. Accurate, itemized, and detailed records of all receipts  
495 and expenditures.

496 b. All invoices, transaction receipts, or deposit slips  
497 that substantiate any receipt or expenditure of funds by the  
498 association.

499 c. A current account and a monthly, bimonthly, or quarterly  
500 statement of the account for each unit designating the name of  
501 the unit owner, the due date and amount of each assessment, the  
502 amount paid on the account, and the balance due.

503 ~~d.e.~~ All audits, reviews, accounting statements, structural  
504 integrity reserve studies, and financial reports of the  
505 association or condominium. Structural integrity reserve studies  
506 must be maintained for at least 15 years after the study is  
507 completed.

508 ~~e.d.~~ All contracts for work to be performed. Bids for work  
509 to be performed are also considered official records and must be  
510 maintained by the association for at least 1 year after receipt  
511 of the bid.

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

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

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

521 15. A copy of the inspection reports described in ss.  
522 553.899 and 718.301(4) (p) and any other inspection report

580-02351-24

20241178c1

523 relating to a structural or life safety inspection of  
524 condominium property. Such record must be maintained by the  
525 association for 15 years after receipt of the report.

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

527 17. All affirmative acknowledgments made pursuant to s.  
528 718.121(4)(c).

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

531 19. A copy of all building permits.

532 20. All other written records of the association not  
533 specifically included in the foregoing which are related to the  
534 operation of the association.

535 (b) The official records specified in subparagraphs (a)1.-  
536 6. must be permanently maintained from the inception of the  
537 association. Bids for work to be performed or for materials,  
538 equipment, or services must be maintained for at least 1 year  
539 after receipt of the bid. All other official records must be  
540 maintained within the state for at least 7 years, unless  
541 otherwise provided by general law. The official records must be  
542 maintained in a manner that facilitates inspection of the  
543 records by a unit owner. In the event that the records are lost,  
544 destroyed, or otherwise unavailable, the obligation to maintain  
545 official records includes a good faith obligation to recover  
546 those records as may be reasonably possible. The records of the  
547 association shall be made available to a unit owner within 45  
548 miles of the condominium property or within the county in which  
549 the condominium property is located within 10 working days after  
550 receipt of a written request by the board or its designee.  
551 However, such distance requirement does not apply to an

580-02351-24

20241178c1

552 association governing a timeshare condominium. This paragraph  
553 and paragraph (c) may be complied with by having a copy of the  
554 official records of the association available for inspection or  
555 copying on the condominium property or association property, or  
556 the association may offer the option of making the records  
557 available to a unit owner electronically via the Internet as  
558 provided under paragraph (g) or by allowing the records to be  
559 viewed in electronic format on a computer screen and printed  
560 upon request. The association is not responsible for the use or  
561 misuse of the information provided to an association member or  
562 his or her authorized representative in compliance with this  
563 chapter unless the association has an affirmative duty not to  
564 disclose such information under this chapter.

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

580-02351-24

20241178c1

581 rebuttable presumption that the association willfully failed to  
582 comply with this paragraph. A unit owner who is denied access to  
583 official records is entitled to the actual damages or minimum  
584 damages for the association's willful failure to comply. Minimum  
585 damages are \$50 per calendar day for up to 10 days, beginning on  
586 the 11th working day after receipt of the written request. The  
587 failure to permit inspection entitles any person prevailing in  
588 an enforcement action to recover reasonable attorney fees from  
589 the person in control of the records who, directly or  
590 indirectly, knowingly denied access to the records. If the  
591 requested records are posted on an association's website, or are  
592 available for download through an application on a mobile  
593 device, the association may fulfill its obligations as provided  
594 under this paragraph by directing all persons authorized to  
595 request access to official records pursuant to this paragraph to  
596 the website or mobile device application.

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

607 2. Any director or member of the board or association or a  
608 community association manager who knowingly, willfully, and  
609 repeatedly violates subparagraph 1. commits a misdemeanor of the

580-02351-24

20241178c1

610 second degree, punishable as provided in s. 775.082 or s.  
611 775.083, and shall be deemed removed from office and a vacancy  
612 declared. For purposes of this subparagraph, the term  
613 "repeatedly" means two or more violations within a 12-month  
614 period.

615 3.2. Any person who knowingly or intentionally defaces or  
616 destroys accounting records that are required by this chapter to  
617 be maintained during the period for which such records are  
618 required to be maintained, or who knowingly or intentionally  
619 fails to create or maintain accounting records that are required  
620 to be created or maintained, with the intent of causing harm to  
621 the association or one or more of its members, commits a  
622 misdemeanor of the first degree, punishable as provided in s.  
623 775.082 or 775.083, is personally subject to a civil penalty  
624 pursuant to s. 718.501(1)(d), and shall be deemed removed from  
625 office and a vacancy declared.

626 4. Any person who willfully and knowingly refuses to  
627 release or otherwise produce association records with the intent  
628 to avoid or escape detection, arrest, trial, or punishment for  
629 the commission of a crime, or to assist another person with such  
630 avoidance or escape, commits a felony of the third degree,  
631 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,  
632 and shall be deemed removed from office and a vacancy declared.

633 5.3. The association shall maintain an adequate number of  
634 copies of the declaration, articles of incorporation, bylaws,  
635 and rules, and all amendments to each of the foregoing, as well  
636 as the question and answer sheet as described in s. 718.504 and  
637 year-end financial information required under this section, on  
638 the condominium property to ensure their availability to unit

580-02351-24

20241178c1

639 owners and prospective purchasers, and may charge its actual  
640 costs for preparing and furnishing these documents to those  
641 requesting the documents. An association shall allow a member or  
642 his or her authorized representative to use a portable device,  
643 including a smartphone, tablet, portable scanner, or any other  
644 technology capable of scanning or taking photographs, to make an  
645 electronic copy of the official records in lieu of the  
646 association's providing the member or his or her authorized  
647 representative with a copy of such records. The association may  
648 not charge a member or his or her authorized representative for  
649 the use of a portable device. Notwithstanding this paragraph,  
650 the following records are not accessible to unit owners:

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

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

664       c. Personnel records of association or management company  
665 employees, including, but not limited to, disciplinary, payroll,  
666 health, and insurance records. For purposes of this sub-  
667 subparagraph, the term "personnel records" does not include

580-02351-24

20241178c1

668 written employment agreements with an association employee or  
669 management company, or budgetary or financial records that  
670 indicate the compensation paid to an association employee.

671 d. Medical records of unit owners.

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

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

695 g. The software and operating system used by the  
696 association which allow the manipulation of data, even if the

580-02351-24

20241178c1

697 owner owns a copy of the same software used by the association.  
698 The data is part of the official records of the association.

699 h. All affirmative acknowledgments made pursuant to s.  
700 718.121(4)(c).

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

703 (e)1. The association or its authorized agent is not  
704 required to provide a prospective purchaser or lienholder with  
705 information about the condominium or the association other than  
706 information or documents required by this chapter to be made  
707 available or disclosed. The association or its authorized agent  
708 may charge a reasonable fee to the prospective purchaser,  
709 lienholder, or the current unit owner for providing good faith  
710 responses to requests for information by or on behalf of a  
711 prospective purchaser or lienholder, other than that required by  
712 law, if the fee does not exceed \$150 plus the reasonable cost of  
713 photocopying and any attorney's fees incurred by the association  
714 in connection with the response.

715 2. An association and its authorized agent are not liable  
716 for providing such information in good faith pursuant to a  
717 written request if the person providing the information includes  
718 a written statement in substantially the following form: "The  
719 responses herein are made in good faith and to the best of my  
720 ability as to their accuracy."

721 (f) An outgoing board or committee member must relinquish  
722 all official records and property of the association in his or  
723 her possession or under his or her control to the incoming board  
724 within 5 days after the election. The division shall impose a  
725 civil penalty as set forth in s. 718.501(1)(d)6. against an

580-02351-24

20241178c1

726 outgoing board or committee member who willfully and knowingly  
727 fails to relinquish such records and property.

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

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

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

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

744 b. The association's website or application must be  
745 accessible through the Internet and must contain a subpage, web  
746 portal, or other protected electronic location that is  
747 inaccessible to the general public and accessible only to unit  
748 owners and employees of the association.

749 c. Upon a unit owner's written request, the association  
750 must provide the unit owner with a username and password and  
751 access to the protected sections of the association's website or  
752 application which contain any notices, records, or documents  
753 that must be electronically provided.

754 2. A current copy of the following documents must be posted

580-02351-24

20241178c1

755 in digital format on the association's website or application:

756 a. The recorded declaration of condominium of each  
757 condominium operated by the association and each amendment to  
758 each declaration.

759 b. The recorded bylaws of the association and each  
760 amendment to the bylaws.

761 c. The articles of incorporation of the association, or  
762 other documents creating the association, and each amendment to  
763 the articles of incorporation or other documents. The copy  
764 posted pursuant to this sub-subparagraph must be a copy of the  
765 articles of incorporation filed with the Department of State.

766 d. The rules of the association.

767 e. A list of all executory contracts or documents to which  
768 the association is a party or under which the association or the  
769 unit owners have an obligation or responsibility and, after  
770 bidding for the related materials, equipment, or services has  
771 closed, a list of bids received by the association within the  
772 past year. Summaries of bids for materials, equipment, or  
773 services which exceed \$500 must be maintained on the website or  
774 application for 1 year. In lieu of summaries, complete copies of  
775 the bids may be posted.

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

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

781 h. The certification of each director required by s.  
782 718.112(2)(d)4.b.

783 i. All contracts or transactions between the association

580-02351-24

20241178c1

784 and any director, officer, corporation, firm, or association  
785 that is not an affiliated condominium association or any other  
786 entity in which an association director is also a director or  
787 officer and financially interested.

788 j. Any contract or document regarding a conflict of  
789 interest or possible conflict of interest as provided in ss.  
790 468.4335, 468.436(2)(b)6., and 718.3027(3).

791 k. The notice of any unit owner meeting and the agenda for  
792 the meeting, as required by s. 718.112(2)(d)3., no later than 14  
793 days before the meeting. The notice must be posted in plain view  
794 on the front page of the website or application, or on a  
795 separate subpage of the website or application labeled "Notices"  
796 which is conspicuously visible and linked from the front page.  
797 The association must also post on its website or application any  
798 document to be considered and voted on by the owners during the  
799 meeting or any document listed on the agenda at least 7 days  
800 before the meeting at which the document or the information  
801 within the document will be considered.

802 l. Notice of any board meeting, the agenda, and any other  
803 document required for the meeting as required by s.  
804 718.112(2)(c), which must be posted no later than the date  
805 required for notice under s. 718.112(2)(c).

806 m. The inspection reports described in ss. 553.899 and  
807 718.301(4)(p) and any other inspection report relating to a  
808 structural or life safety inspection of condominium property.

809 n. The association's most recent structural integrity  
810 reserve study, if applicable.

811 o. Copies of all building permits issued for ongoing or  
812 planned construction.

580-02351-24

20241178c1

813           3. The association shall ensure that the information and  
814 records described in paragraph (c), which are not allowed to be  
815 accessible to unit owners, are not posted on the association's  
816 website or application. If protected information or information  
817 restricted from being accessible to unit owners is included in  
818 documents that are required to be posted on the association's  
819 website or application, the association shall ensure the  
820 information is redacted before posting the documents.  
821 Notwithstanding the foregoing, the association or its agent is  
822 not liable for disclosing information that is protected or  
823 restricted under this paragraph unless such disclosure was made  
824 with a knowing or intentional disregard of the protected or  
825 restricted nature of such information.

826           4. The failure of the association to post information  
827 required under subparagraph 2. is not in and of itself  
828 sufficient to invalidate any action or decision of the  
829 association's board or its committees.

830           (13) FINANCIAL REPORTING.—Within 90 days after the end of  
831 the fiscal year, or annually on a date provided in the bylaws,  
832 the association shall prepare and complete, or contract for the  
833 preparation and completion of, a financial report for the  
834 preceding fiscal year. Within 21 days after the final financial  
835 report is completed by the association or received from the  
836 third party, but not later than 120 days after the end of the  
837 fiscal year or other date as provided in the bylaws, the  
838 association shall deliver ~~mail~~ to each unit owner, by United  
839 States mail or personal delivery at the mailing address,  
840 property address, e-mail address, or facsimile number provided  
841 to fulfill the association's notice requirements ~~at the address~~

580-02351-24

20241178c1

842 ~~last furnished to the association by the unit owner, or hand~~  
843 ~~deliver to each unit owner,~~ a copy of the management letter or  
844 opinion letter, as applicable, for the most recent financial  
845 report, and ~~or~~ a notice that a copy of the most recent financial  
846 report will be mailed or hand delivered to the unit owner,  
847 without charge, within 5 business days after receipt of a  
848 written request from the unit owner. The division shall adopt  
849 rules setting forth uniform accounting principles and standards  
850 to be used by all associations and addressing the financial  
851 reporting requirements for multicondominium associations. The  
852 rules must include, but not be limited to, standards for  
853 presenting a summary of association reserves, including a good  
854 faith estimate disclosing the annual amount of reserve funds  
855 that would be necessary for the association to fully fund  
856 reserves for each reserve item based on the straight-line  
857 accounting method. This disclosure is not applicable to reserves  
858 funded via the pooling method. In adopting such rules, the  
859 division shall consider the number of members and annual  
860 revenues of an association. Financial reports shall be prepared  
861 as follows:

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

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

870 2. An association with total annual revenues of at least

580-02351-24

20241178c1

871 \$300,000, but less than \$500,000, shall prepare reviewed  
872 financial statements.

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

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

878 2. A report of cash receipts and disbursements must  
879 disclose the amount of receipts by accounts and receipt  
880 classifications and the amount of expenses by accounts and  
881 expense classifications, including, but not limited to, the  
882 following, as applicable: costs for security, professional and  
883 management fees and expenses, taxes, costs for recreation  
884 facilities, expenses for refuse collection and utility services,  
885 expenses for lawn care, costs for building maintenance and  
886 repair, insurance costs, administration and salary expenses, and  
887 reserves accumulated and expended for capital expenditures,  
888 planned ~~deferred~~ maintenance, and any other category for which  
889 the association maintains reserves.

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

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

895 2. Reviewed or audited financial statements, if the  
896 association is required to prepare compiled financial  
897 statements; or

898 3. Audited financial statements if the association is  
899 required to prepare reviewed financial statements.

580-02351-24

20241178c1

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

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

906           2. A report of cash receipts and expenditures or a compiled  
907 financial statement in lieu of a reviewed or audited financial  
908 statement; or

909           3. A report of cash receipts and expenditures, a compiled  
910 financial statement, or a reviewed financial statement in lieu  
911 of an audited financial statement.

912  
913 Such meeting and approval must occur before the end of the  
914 fiscal year and is effective only for the fiscal year in which  
915 the vote is taken. An association may not prepare a financial  
916 report pursuant to this paragraph for consecutive fiscal years,  
917 ~~except that the approval may also be effective for the following~~  
918 ~~fiscal year.~~ If the developer has not turned over control of the  
919 association, all unit owners, including the developer, may vote  
920 on issues related to the preparation of the association's  
921 financial reports, from the date of incorporation of the  
922 association through the end of the second fiscal year after the  
923 fiscal year in which the certificate of a surveyor and mapper is  
924 recorded pursuant to s. 718.104(4)(e) or an instrument that  
925 transfers title to a unit in the condominium which is not  
926 accompanied by a recorded assignment of developer rights in  
927 favor of the grantee of such unit is recorded, whichever occurs  
928 first. Thereafter, all unit owners except the developer may vote

580-02351-24

20241178c1

929 on such issues until control is turned over to the association  
930 by the developer. Any audit or review prepared under this  
931 section shall be paid for by the developer if done before  
932 turnover of control of the association.

933 (e) A unit owner may provide written notice to the division  
934 of the association's failure to mail or hand deliver him or her  
935 a copy of the most recent financial report within 5 business  
936 days after he or she submitted a written request to the  
937 association for a copy of such report. If the division  
938 determines that the association failed to mail or hand deliver a  
939 copy of the most recent financial report to the unit owner, the  
940 division shall provide written notice to the association that  
941 the association must mail or hand deliver a copy of the most  
942 recent financial report to the unit owner and the division  
943 within 5 business days after it receives such notice from the  
944 division. An association that fails to comply with the  
945 division's request may not waive the financial reporting  
946 requirement provided in paragraph (d) for the fiscal year in  
947 which the unit owner's request was made and the following fiscal  
948 year. A financial report received by the division pursuant to  
949 this paragraph shall be maintained, and the division shall  
950 provide a copy of such report to an association member upon his  
951 or her request.

952 (f) If an association invests funds pursuant to paragraph  
953 (16) (b), the association must prepare financial statements  
954 pursuant to paragraphs (a) and (b).

955 (15) DEBIT CARDS.—

956 (a) An association and its officers, directors, employees,  
957 and agents may not use a debit card issued in the name of the

580-02351-24

20241178c1

958 association, or billed directly to the association, for the  
959 payment of any association expense.

960 (b) A person who uses ~~Use of~~ a debit card issued in the  
961 name of the association, or billed directly to the association,  
962 for any expense that is not a lawful obligation of the  
963 association commits theft under s. 812.014, and shall be deemed  
964 removed from office and a vacancy declared. For the purposes of  
965 this paragraph, the term "lawful obligation of the association"  
966 means an obligation that has been properly preapproved by the  
967 board and is reflected in the meeting minutes or the written  
968 budget ~~may be prosecuted as credit card fraud pursuant to s.~~  
969 ~~817.61.~~

970 (16) INVESTMENT OF ASSOCIATION FUNDS.-

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

975 (b) An association, including a multicondominium  
976 association, may invest reserve funds in one or any combination  
977 of depository accounts at a community bank, savings bank,  
978 commercial bank, savings and loan association, or credit union  
979 if the respective account balance at any institution does not  
980 exceed the amount of deposit insurance per account provided by  
981 any agency of the Federal Government or as otherwise available.  
982 Notwithstanding any declaration, only funds identified as  
983 reserve funds may be invested pursuant to this subsection.

984 (c) The board shall create an investment committee composed  
985 of at least two board members and two-unit non-board member unit  
986 owners. The board shall also adopt rules for invested funds,

580-02351-24

20241178c1

987 including, but not limited to, rules requiring periodic reviews  
988 of any investment manager's performance, the development of an  
989 investment policy statement, and that all meetings of the  
990 investment committee be recorded and made part of the official  
991 records of the association. The investment policy statement  
992 developed pursuant to this paragraph must, at a minimum, address  
993 risk, liquidity, and benchmark measurements; authorized classes  
994 of investments; authorized investment mixes; limitations on  
995 authority relating to investment transactions; requirements for  
996 projected reserve expenditures within, at minimum, the next 24  
997 months to be held in cash or cash equivalents; projected  
998 expenditures relating to an inspection performed pursuant to s.  
999 553.899; and protocols for proxy response.

1000 (d) The investment committee shall recommend investment  
1001 advisers to the board, and the board shall select one of the  
1002 recommended investment advisers to provide services to the  
1003 association. Such investment advisers must be registered or have  
1004 notice filed under s. 517.12. The investment adviser and any  
1005 representative or association of the investment adviser may not  
1006 be related by affinity or consanguinity to, or under common  
1007 ownership with, any board member, community management company,  
1008 reserve study provider, or unit owner. The investment adviser  
1009 shall comply with the prudent investor rule in s. 518.11. The  
1010 investment adviser shall act as a fiduciary to the association  
1011 in compliance with the standards set forth in the Employee  
1012 Retirement Income Security Act of 1974 at 29 U.S.C. s.  
1013 1104(a)(1)(A)-(C). In case of conflict with other provisions of  
1014 law authorizing investments, the investment and fiduciary  
1015 standards set forth in this paragraph must prevail. If at any

580-02351-24

20241178c1

1016 time the investment committee determines that an investment  
1017 adviser does not meet the requirements of this section, the  
1018 investment committee must recommend a replacement investment  
1019 adviser to the board.

1020 (e) At least once each calendar year, or sooner if a  
1021 substantial financial obligation of the association becomes  
1022 known to the board, the association must provide the investment  
1023 adviser with the association's investment policy statement, the  
1024 most recent reserve study report, the association's structural  
1025 integrity report, and the financial reports prepared pursuant to  
1026 subsection (13). If there is no recent reserve study report, the  
1027 association must provide the investment adviser with a good  
1028 faith estimate disclosing the annual amount of reserve funds  
1029 necessary for the association to fully fund reserves for the  
1030 life of each reserve component and each component's  
1031 redundancies. The investment adviser shall annually review these  
1032 documents and provide the association with a portfolio  
1033 allocation model that is suitably structured and prudently  
1034 designed to match projected annual reserve fund requirements and  
1035 liability, assets, and liquidity requirements. The investment  
1036 adviser shall prepare a funding projection for each reserve  
1037 component, including any of the component's redundancies. There  
1038 must be a minimum of 24 months of projected reserves in cash or  
1039 cash equivalents available to the association at all times.

1040 (f) Portfolios managed by the investment adviser may  
1041 contain any type of investment necessary to meet the objectives  
1042 in the investment policy statement; however, portfolios may not  
1043 contain stocks, securities, or other obligations that the State  
1044 Board of Administration is prohibited from investing in under s.

580-02351-24

20241178c1

1045 215.471, s. 215.4725, or s. 215.473 or that state agencies are  
1046 prohibited from investing in under s. 215.472, as determined by  
1047 the investment adviser. Any funds invested by the investment  
1048 adviser must be held in third party custodial accounts that are  
1049 subject to insurance coverage by the Securities Investor  
1050 Protection Corporation in an amount equal to or greater than the  
1051 invested amount. The investment adviser may withdraw investment  
1052 fees, expenses, and commissions from invested funds.

1053 (g) The investment adviser shall:

1054 1. Annually provide the association with a written  
1055 certification of compliance with this section and a list of  
1056 stocks, securities, and other obligations that are prohibited  
1057 from being in association portfolios under paragraph (f); and

1058 2. Submit monthly, quarterly, and annual reports to the  
1059 association which are prepared in accordance with established  
1060 financial industry standards and in accordance with chapter 517.

1061 (h) Any principal, earnings, or interest managed under this  
1062 subsection must be available at no cost or charge to the  
1063 association within 15 business days after delivery of the  
1064 association's written or electronic request.

1065 (i) Unallocated income earned on reserve fund investments  
1066 may be spent only on capital expenditures, planned maintenance,  
1067 structural repairs, or other items for which the reserve  
1068 accounts have been established. Any surplus of funds which  
1069 exceeds the amount required to maintain reasonably funded  
1070 reserves must be managed pursuant to s. 718.115.

1071 Section 7. Effective January 1, 2026, paragraph (g) of  
1072 subsection (12) of section 718.111, Florida Statutes, as amended  
1073 by this act, is amended to read:

580-02351-24

20241178c1

1074 718.111 The association.—

1075 (12) OFFICIAL RECORDS.—

1076 (g)1. ~~By January 1, 2019,~~ An association managing a  
1077 condominium with 25 ~~150~~ or more units which does not contain  
1078 timeshare units shall post digital copies of the documents  
1079 specified in subparagraph 2. on its website or make such  
1080 documents available through an application that can be  
1081 downloaded on a mobile device.

1082 a. The association's website or application must be:

1083 (I) An independent website, application, or web portal  
1084 wholly owned and operated by the association; or

1085 (II) A website, application, or web portal operated by a  
1086 third-party provider with whom the association owns, leases,  
1087 rents, or otherwise obtains the right to operate a web page,  
1088 subpage, web portal, collection of subpages or web portals, or  
1089 an application which is dedicated to the association's  
1090 activities and on which required notices, records, and documents  
1091 may be posted or made available by the association.

1092 b. The association's website or application must be  
1093 accessible through the Internet and must contain a subpage, web  
1094 portal, or other protected electronic location that is  
1095 inaccessible to the general public and accessible only to unit  
1096 owners and employees of the association.

1097 c. Upon a unit owner's written request, the association  
1098 must provide the unit owner with a username and password and  
1099 access to the protected sections of the association's website or  
1100 application which contain any notices, records, or documents  
1101 that must be electronically provided.

1102 2. A current copy of the following documents must be posted

580-02351-24

20241178c1

1103 in digital format on the association's website or application:

1104 a. The recorded declaration of condominium of each  
1105 condominium operated by the association and each amendment to  
1106 each declaration.

1107 b. The recorded bylaws of the association and each  
1108 amendment to the bylaws.

1109 c. The articles of incorporation of the association, or  
1110 other documents creating the association, and each amendment to  
1111 the articles of incorporation or other documents. The copy  
1112 posted pursuant to this sub-subparagraph must be a copy of the  
1113 articles of incorporation filed with the Department of State.

1114 d. The rules of the association.

1115 e. A list of all executory contracts or documents to which  
1116 the association is a party or under which the association or the  
1117 unit owners have an obligation or responsibility and, after  
1118 bidding for the related materials, equipment, or services has  
1119 closed, a list of bids received by the association within the  
1120 past year. Summaries of bids for materials, equipment, or  
1121 services which exceed \$500 must be maintained on the website or  
1122 application for 1 year. In lieu of summaries, complete copies of  
1123 the bids may be posted.

1124 f. The annual budget required by s. 718.112(2)(f) and any  
1125 proposed budget to be considered at the annual meeting.

1126 g. The financial report required by subsection (13) and any  
1127 monthly income or expense statement to be considered at a  
1128 meeting.

1129 h. The certification of each director required by s.  
1130 718.112(2)(d)4.b.

1131 i. All contracts or transactions between the association

580-02351-24

20241178c1

1132 and any director, officer, corporation, firm, or association  
1133 that is not an affiliated condominium association or any other  
1134 entity in which an association director is also a director or  
1135 officer and financially interested.

1136 j. Any contract or document regarding a conflict of  
1137 interest or possible conflict of interest as provided in ss.  
1138 468.4335, 468.436(2)(b)6., and 718.3027(3).

1139 k. The notice of any unit owner meeting and the agenda for  
1140 the meeting, as required by s. 718.112(2)(d)3., no later than 14  
1141 days before the meeting. The notice must be posted in plain view  
1142 on the front page of the website or application, or on a  
1143 separate subpage of the website or application labeled "Notices"  
1144 which is conspicuously visible and linked from the front page.  
1145 The association must also post on its website or application any  
1146 document to be considered and voted on by the owners during the  
1147 meeting or any document listed on the agenda at least 7 days  
1148 before the meeting at which the document or the information  
1149 within the document will be considered.

1150 l. Notice of any board meeting, the agenda, and any other  
1151 document required for the meeting as required by s.  
1152 718.112(2)(c), which must be posted no later than the date  
1153 required for notice under s. 718.112(2)(c).

1154 m. The inspection reports described in ss. 553.899 and  
1155 718.301(4)(p) and any other inspection report relating to a  
1156 structural or life safety inspection of condominium property.

1157 n. The association's most recent structural integrity  
1158 reserve study, if applicable.

1159 o. Copies of all building permits issued for ongoing or  
1160 planned construction.

580-02351-24

20241178c1

1161           3. The association shall ensure that the information and  
1162 records described in paragraph (c), which are not allowed to be  
1163 accessible to unit owners, are not posted on the association's  
1164 website or application. If protected information or information  
1165 restricted from being accessible to unit owners is included in  
1166 documents that are required to be posted on the association's  
1167 website or application, the association shall ensure the  
1168 information is redacted before posting the documents.  
1169 Notwithstanding the foregoing, the association or its agent is  
1170 not liable for disclosing information that is protected or  
1171 restricted under this paragraph unless such disclosure was made  
1172 with a knowing or intentional disregard of the protected or  
1173 restricted nature of such information.

1174           4. The failure of the association to post information  
1175 required under subparagraph 2. is not in and of itself  
1176 sufficient to invalidate any action or decision of the  
1177 association's board or its committees.

1178           Section 8. Paragraphs (c), (d), (f), (g), (i), and (q) of  
1179 subsection (2) of section 718.112, Florida Statutes, are  
1180 amended, and paragraph (r) is added to that section, to read:

1181           718.112 Bylaws.—

1182           (2) REQUIRED PROVISIONS.—The bylaws shall provide for the  
1183 following and, if they do not do so, shall be deemed to include  
1184 the following:

1185           (c) *Board of administration meetings.*—In a residential  
1186 condominium association of more than 10 units, the board of  
1187 administration shall meet at least once each quarter for the  
1188 purpose of responding to inquiries from members and informing  
1189 members on the state of the condominium, including the status of

580-02351-24

20241178c1

1190 any construction or repair projects, the status of the  
1191 association's revenue and expenditures during the fiscal year,  
1192 or other issues affecting the association. Meetings of the board  
1193 of administration at which a quorum of the members is present  
1194 are open to all unit owners. Members of the board of  
1195 administration may use e-mail as a means of communication but  
1196 may not cast a vote on an association matter via e-mail. A unit  
1197 owner may tape record or videotape the meetings. The right to  
1198 attend such meetings includes the right to speak at such  
1199 meetings with reference to all designated agenda items. The  
1200 division shall adopt reasonable rules governing the tape  
1201 recording and videotaping of the meeting. The association may  
1202 adopt written reasonable rules governing the frequency,  
1203 duration, and manner of unit owner statements.

1204 1. Adequate notice of all board meetings, which must  
1205 specifically identify all agenda items, must be posted  
1206 conspicuously on the condominium property at least 48 continuous  
1207 hours before the meeting except in an emergency. If 20 percent  
1208 of the voting interests petition the board to address an item of  
1209 business, the board, within 60 days after receipt of the  
1210 petition, shall place the item on the agenda at its next regular  
1211 board meeting or at a special meeting called for that purpose.  
1212 An item not included on the notice may be taken up on an  
1213 emergency basis by a vote of at least a majority plus one of the  
1214 board members. Such emergency action must be noticed and  
1215 ratified at the next regular board meeting. Written notice of a  
1216 meeting at which a nonemergency special assessment or an  
1217 amendment to rules regarding unit use will be considered must be  
1218 mailed, delivered, or electronically transmitted to the unit

580-02351-24

20241178c1

1219 owners and posted conspicuously on the condominium property at  
1220 least 14 days before the meeting. Evidence of compliance with  
1221 this 14-day notice requirement must be made by an affidavit  
1222 executed by the person providing the notice and filed with the  
1223 official records of the association. ~~Notice of any meeting in  
1224 which regular or special assessments against unit owners are to  
1225 be considered must specifically state that assessments will be  
1226 considered and provide the estimated cost and description of the  
1227 purposes for such assessments.~~

1228 2. Upon notice to the unit owners, the board shall, by duly  
1229 adopted rule, designate a specific location on the condominium  
1230 property where all notices of board meetings must be posted. If  
1231 there is no condominium property where notices can be posted,  
1232 notices shall be mailed, delivered, or electronically  
1233 transmitted to each unit owner at least 14 days before the  
1234 meeting. In lieu of or in addition to the physical posting of  
1235 the notice on the condominium property, the association may, by  
1236 reasonable rule, adopt a procedure for conspicuously posting and  
1237 repeatedly broadcasting the notice and the agenda on a closed-  
1238 circuit cable television system serving the condominium  
1239 association. However, if broadcast notice is used in lieu of a  
1240 notice physically posted on condominium property, the notice and  
1241 agenda must be broadcast at least four times every broadcast  
1242 hour of each day that a posted notice is otherwise required  
1243 under this section. If broadcast notice is provided, the notice  
1244 and agenda must be broadcast in a manner and for a sufficient  
1245 continuous length of time so as to allow an average reader to  
1246 observe the notice and read and comprehend the entire content of  
1247 the notice and the agenda. In addition to any of the authorized

580-02351-24

20241178c1

1248 means of providing notice of a meeting of the board, the  
1249 association may, by rule, adopt a procedure for conspicuously  
1250 posting the meeting notice and the agenda on a website serving  
1251 the condominium association for at least the minimum period of  
1252 time for which a notice of a meeting is also required to be  
1253 physically posted on the condominium property. Any rule adopted  
1254 shall, in addition to other matters, include a requirement that  
1255 the association send an electronic notice in the same manner as  
1256 a notice for a meeting of the members, which must include a  
1257 hyperlink to the website where the notice is posted, to unit  
1258 owners whose e-mail addresses are included in the association's  
1259 official records.

1260 3. Notice of any meeting in which regular or special  
1261 assessments against unit owners are to be considered must  
1262 specifically state that assessments will be considered and  
1263 provide the estimated cost and description of the purposes for  
1264 such assessments. If an agenda item relates to the approval of a  
1265 contract for goods or services, a copy of the contract must be  
1266 provided with the notice, made available for inspection and  
1267 copying upon a written request from a unit owner, or made  
1268 available on the association's website or through an application  
1269 that can be downloaded on a mobile device.

1270 ~~4.2.~~ Meetings of a committee to take final action on behalf  
1271 of the board or make recommendations to the board regarding the  
1272 association budget are subject to this paragraph. Meetings of a  
1273 committee that does not take final action on behalf of the board  
1274 or make recommendations to the board regarding the association  
1275 budget are subject to this section, unless those meetings are  
1276 exempted from this section by the bylaws of the association.

580-02351-24

20241178c1

1277 ~~5.3.~~ Notwithstanding any other law, the requirement that  
1278 board meetings and committee meetings be open to the unit owners  
1279 does not apply to:

1280 a. Meetings between the board or a committee and the  
1281 association's attorney, with respect to proposed or pending  
1282 litigation, if the meeting is held for the purpose of seeking or  
1283 rendering legal advice; or

1284 b. Board meetings held for the purpose of discussing  
1285 personnel matters.

1286 (d) *Unit owner meetings.*—

1287 1. An annual meeting of the unit owners must be held at the  
1288 location provided in the association bylaws and, if the bylaws  
1289 are silent as to the location, the meeting must be held within  
1290 45 miles of the condominium property. However, such distance  
1291 requirement does not apply to an association governing a  
1292 timeshare condominium.

1293 2. Unless the bylaws provide otherwise, a vacancy on the  
1294 board caused by the expiration of a director's term must be  
1295 filled by electing a new board member, and the election must be  
1296 by secret ballot. An election is not required if the number of  
1297 vacancies equals or exceeds the number of candidates. For  
1298 purposes of this paragraph, the term "candidate" means an  
1299 eligible person who has timely submitted the written notice, as  
1300 described in sub-subparagraph 4.a., of his or her intention to  
1301 become a candidate. Except in a timeshare or nonresidential  
1302 condominium, or if the staggered term of a board member does not  
1303 expire until a later annual meeting, or if all members' terms  
1304 would otherwise expire but there are no candidates, the terms of  
1305 all board members expire at the annual meeting, and such members

580-02351-24

20241178c1

1306 may stand for reelection unless prohibited by the bylaws. Board  
1307 members may serve terms longer than 1 year if permitted by the  
1308 bylaws or articles of incorporation. A board member may not  
1309 serve more than 8 consecutive years unless approved by an  
1310 affirmative vote of unit owners representing two-thirds of all  
1311 votes cast in the election or unless there are not enough  
1312 eligible candidates to fill the vacancies on the board at the  
1313 time of the vacancy. Only board service that occurs on or after  
1314 July 1, 2018, may be used when calculating a board member's term  
1315 limit. If the number of board members whose terms expire at the  
1316 annual meeting equals or exceeds the number of candidates, the  
1317 candidates become members of the board effective upon the  
1318 adjournment of the annual meeting. Unless the bylaws provide  
1319 otherwise, any remaining vacancies shall be filled by the  
1320 affirmative vote of the majority of the directors making up the  
1321 newly constituted board even if the directors constitute less  
1322 than a quorum or there is only one director. In a residential  
1323 condominium association of more than 10 units or in a  
1324 residential condominium association that does not include  
1325 timeshare units or timeshare interests, co-owners of a unit may  
1326 not serve as members of the board of directors at the same time  
1327 unless they own more than one unit or unless there are not  
1328 enough eligible candidates to fill the vacancies on the board at  
1329 the time of the vacancy. A unit owner in a residential  
1330 condominium desiring to be a candidate for board membership must  
1331 comply with sub-subparagraph 4.a. and must be eligible to be a  
1332 candidate to serve on the board of directors at the time of the  
1333 deadline for submitting a notice of intent to run in order to  
1334 have his or her name listed as a proper candidate on the ballot

580-02351-24

20241178c1

1335 or to serve on the board. A person who has been suspended or  
1336 removed by the division under this chapter, or who is delinquent  
1337 in the payment of any assessment due to the association, is not  
1338 eligible to be a candidate for board membership and may not be  
1339 listed on the ballot. For purposes of this paragraph, a person  
1340 is delinquent if a payment is not made by the due date as  
1341 specifically identified in the declaration of condominium,  
1342 bylaws, or articles of incorporation. If a due date is not  
1343 specifically identified in the declaration of condominium,  
1344 bylaws, or articles of incorporation, the due date is the first  
1345 day of the assessment period. A person who has been convicted of  
1346 any felony in this state or in a United States District or  
1347 Territorial Court, or who has been convicted of any offense in  
1348 another jurisdiction which would be considered a felony if  
1349 committed in this state, is not eligible for board membership  
1350 unless such felon's civil rights have been restored for at least  
1351 5 years as of the date such person seeks election to the board.  
1352 The validity of an action by the board is not affected if it is  
1353 later determined that a board member is ineligible for board  
1354 membership due to having been convicted of a felony. This  
1355 subparagraph does not limit the term of a member of the board of  
1356 a nonresidential or timeshare condominium.

1357 3. The bylaws must provide the method of calling meetings  
1358 of unit owners, including annual meetings. Written notice of an  
1359 annual meeting must include an agenda; be mailed, hand  
1360 delivered, or electronically transmitted to each unit owner at  
1361 least 14 days before the annual meeting; and be posted in a  
1362 conspicuous place on the condominium property or association  
1363 property at least 14 continuous days before the annual meeting.

580-02351-24

20241178c1

1364 Written notice of a meeting other than an annual meeting must  
1365 include an agenda; be mailed, hand delivered, or electronically  
1366 transmitted to each unit owner; and be posted in a conspicuous  
1367 place on the condominium property or association property within  
1368 the timeframe specified in the bylaws. If the bylaws do not  
1369 specify a timeframe for written notice of a meeting other than  
1370 an annual meeting, notice must be provided at least 14  
1371 continuous days before the meeting. Upon notice to the unit  
1372 owners, the board shall, by duly adopted rule, designate a  
1373 specific location on the condominium property or association  
1374 property where all notices of unit owner meetings must be  
1375 posted. This requirement does not apply if there is no  
1376 condominium property for posting notices. In lieu of, or in  
1377 addition to, the physical posting of meeting notices, the  
1378 association may, by reasonable rule, adopt a procedure for  
1379 conspicuously posting and repeatedly broadcasting the notice and  
1380 the agenda on a closed-circuit cable television system serving  
1381 the condominium association. However, if broadcast notice is  
1382 used in lieu of a notice posted physically on the condominium  
1383 property, the notice and agenda must be broadcast at least four  
1384 times every broadcast hour of each day that a posted notice is  
1385 otherwise required under this section. If broadcast notice is  
1386 provided, the notice and agenda must be broadcast in a manner  
1387 and for a sufficient continuous length of time so as to allow an  
1388 average reader to observe the notice and read and comprehend the  
1389 entire content of the notice and the agenda. In addition to any  
1390 of the authorized means of providing notice of a meeting of the  
1391 board, the association may, by rule, adopt a procedure for  
1392 conspicuously posting the meeting notice and the agenda on a

580-02351-24

20241178c1

1393 website serving the condominium association for at least the  
1394 minimum period of time for which a notice of a meeting is also  
1395 required to be physically posted on the condominium property.  
1396 Any rule adopted shall, in addition to other matters, include a  
1397 requirement that the association send an electronic notice in  
1398 the same manner as a notice for a meeting of the members, which  
1399 must include a hyperlink to the website where the notice is  
1400 posted, to unit owners whose e-mail addresses are included in  
1401 the association's official records. Unless a unit owner waives  
1402 in writing the right to receive notice of the annual meeting,  
1403 such notice must be hand delivered, mailed, or electronically  
1404 transmitted to each unit owner. Notice for meetings and notice  
1405 for all other purposes must be mailed to each unit owner at the  
1406 address last furnished to the association by the unit owner, or  
1407 hand delivered to each unit owner. However, if a unit is owned  
1408 by more than one person, the association must provide notice to  
1409 the address that the developer identifies for that purpose and  
1410 thereafter as one or more of the owners of the unit advise the  
1411 association in writing, or if no address is given or the owners  
1412 of the unit do not agree, to the address provided on the deed of  
1413 record. An officer of the association, or the manager or other  
1414 person providing notice of the association meeting, must provide  
1415 an affidavit or United States Postal Service certificate of  
1416 mailing, to be included in the official records of the  
1417 association affirming that the notice was mailed or hand  
1418 delivered in accordance with this provision.

1419 4. The members of the board of a residential condominium  
1420 shall be elected by written ballot or voting machine. Proxies  
1421 may not be used in electing the board in general elections or

580-02351-24

20241178c1

1422 elections to fill vacancies caused by recall, resignation, or  
1423 otherwise, unless otherwise provided in this chapter. This  
1424 subparagraph does not apply to an association governing a  
1425 timeshare condominium.

1426       a. At least 60 days before a scheduled election, the  
1427 association shall mail, deliver, or electronically transmit, by  
1428 separate association mailing or included in another association  
1429 mailing, delivery, or transmission, including regularly  
1430 published newsletters, to each unit owner entitled to a vote, a  
1431 first notice of the date of the election. A unit owner or other  
1432 eligible person desiring to be a candidate for the board must  
1433 give written notice of his or her intent to be a candidate to  
1434 the association at least 40 days before a scheduled election.  
1435 Together with the written notice and agenda as set forth in  
1436 subparagraph 3., the association shall mail, deliver, or  
1437 electronically transmit a second notice of the election to all  
1438 unit owners entitled to vote, together with a ballot that lists  
1439 all candidates not less than 14 days or more than 34 days before  
1440 the date of the election. Upon request of a candidate, an  
1441 information sheet, no larger than 8 1/2 inches by 11 inches,  
1442 which must be furnished by the candidate at least 35 days before  
1443 the election, must be included with the mailing, delivery, or  
1444 transmission of the ballot, with the costs of mailing, delivery,  
1445 or electronic transmission and copying to be borne by the  
1446 association. The association is not liable for the contents of  
1447 the information sheets prepared by the candidates. In order to  
1448 reduce costs, the association may print or duplicate the  
1449 information sheets on both sides of the paper. The division  
1450 shall by rule establish voting procedures consistent with this

580-02351-24

20241178c1

1451 sub-subparagraph, including rules establishing procedures for  
1452 giving notice by electronic transmission and rules providing for  
1453 the secrecy of ballots. Elections shall be decided by a  
1454 plurality of ballots cast. There is no quorum requirement;  
1455 however, at least 20 percent of the eligible voters must cast a  
1456 ballot in order to have a valid election. A unit owner may not  
1457 authorize any other person to vote his or her ballot, and any  
1458 ballots improperly cast are invalid. A unit owner who violates  
1459 this provision may be fined by the association in accordance  
1460 with s. 718.303. A unit owner who needs assistance in casting  
1461 the ballot for the reasons stated in s. 101.051 may obtain such  
1462 assistance. The regular election must occur on the date of the  
1463 annual meeting. Notwithstanding this sub-subparagraph, an  
1464 election is not required unless more candidates file notices of  
1465 intent to run or are nominated than board vacancies exist.

1466 b. A director of a ~~Within 90 days after being elected or~~  
1467 ~~appointed to the~~ board of an association of a residential  
1468 condominium, ~~each newly elected or appointed director~~ shall:

1469 (I) Certify in writing to the secretary of the association  
1470 that he or she has read the association's declaration of  
1471 condominium, articles of incorporation, bylaws, and current  
1472 written policies; that he or she will work to uphold such  
1473 documents and policies to the best of his or her ability; and  
1474 that he or she will faithfully discharge his or her fiduciary  
1475 responsibility to the association's members. ~~In lieu of this~~  
1476 ~~written certification, within 90 days after being elected or~~  
1477 ~~appointed to the board, the newly elected or appointed director~~  
1478 ~~may~~

1479 (II) Submit to the secretary of the association a

580-02351-24

20241178c1

1480 certificate of having satisfactorily completed the educational  
1481 curriculum administered by the division or a division-approved  
1482 condominium education provider ~~within 1 year before or 90 days~~  
1483 ~~after the date of election or appointment.~~

1484

1485 Each newly elected or appointed director must submit the written  
1486 certification and educational certificate to the secretary of  
1487 the association within 1 year before being elected or appointed  
1488 or within 90 days after the date of election or appointment. A  
1489 director of an association of a residential condominium who was  
1490 elected or appointed before July 1, 2024, must comply with the  
1491 written certification and educational certificate requirements  
1492 in this sub-subparagraph by June 30, 2025. The written  
1493 certification and ~~or~~ educational certificate is valid for 7  
1494 years from the date of issuance and does not have to be  
1495 resubmitted as long as the director serves on the board without  
1496 interruption during the 7-year period. A director who is  
1497 appointed by the developer may satisfy the educational  
1498 certificate requirement in sub-sub-subparagraph (II) for any  
1499 subsequent appointment to a board by a developer within 7 years  
1500 after the date of issuance of the most recent educational  
1501 certificate, including any interruption of service on a board or  
1502 an appointment to a board in another association within that 7-  
1503 year period. Additionally, one year after submission of the most  
1504 recent written certification and educational certificate, and  
1505 annually thereafter, a director of an association of a  
1506 residential condominium must submit to the secretary of the  
1507 association a certificate of having satisfactorily completed an  
1508 educational curriculum administered by the division, or a

580-02351-24

20241178c1

1509 division-approved condominium education provider, relating to  
1510 any recent changes to this chapter and the related  
1511 administrative rules during the past year. A director of an  
1512 association of a residential condominium who fails to timely  
1513 file the written certification and ~~or~~ educational certificate is  
1514 suspended from service on the board until he or she complies  
1515 with this sub-subparagraph. The board may temporarily fill the  
1516 vacancy during the period of suspension. The secretary shall  
1517 cause the association to retain a director's written  
1518 certification and ~~or~~ educational certificate for inspection by  
1519 the members for 7 ~~5~~ years after a director's election or the  
1520 duration of the director's uninterrupted tenure, whichever is  
1521 longer. Failure to have such written certification and ~~or~~  
1522 educational certificate on file does not affect the validity of  
1523 any board action.

1524 c. Any challenge to the election process must be commenced  
1525 within 60 days after the election results are announced.

1526 5. Any approval by unit owners called for by this chapter  
1527 or the applicable declaration or bylaws, including, but not  
1528 limited to, the approval requirement in s. 718.111(8), must be  
1529 made at a duly noticed meeting of unit owners and is subject to  
1530 all requirements of this chapter or the applicable condominium  
1531 documents relating to unit owner decisionmaking, except that  
1532 unit owners may take action by written agreement, without  
1533 meetings, on matters for which action by written agreement  
1534 without meetings is expressly allowed by the applicable bylaws  
1535 or declaration or any law that provides for such action.

1536 6. Unit owners may waive notice of specific meetings if  
1537 allowed by the applicable bylaws or declaration or any law.

580-02351-24

20241178c1

1538 Notice of meetings of the board of administration; unit owner  
1539 meetings, except unit owner meetings called to recall board  
1540 members under paragraph (1); and committee meetings may be given  
1541 by electronic transmission to unit owners who consent to receive  
1542 notice by electronic transmission. A unit owner who consents to  
1543 receiving notices by electronic transmission is solely  
1544 responsible for removing or bypassing filters that block receipt  
1545 of mass e-mails sent to members on behalf of the association in  
1546 the course of giving electronic notices.

1547         7. Unit owners have the right to participate in meetings of  
1548 unit owners with reference to all designated agenda items.  
1549 However, the association may adopt reasonable rules governing  
1550 the frequency, duration, and manner of unit owner participation.

1551         8. A unit owner may tape record or videotape a meeting of  
1552 the unit owners subject to reasonable rules adopted by the  
1553 division.

1554         9. Unless otherwise provided in the bylaws, any vacancy  
1555 occurring on the board before the expiration of a term may be  
1556 filled by the affirmative vote of the majority of the remaining  
1557 directors, even if the remaining directors constitute less than  
1558 a quorum, or by the sole remaining director. In the alternative,  
1559 a board may hold an election to fill the vacancy, in which case  
1560 the election procedures must conform to sub-subparagraph 4.a.  
1561 unless the association governs 10 units or fewer and has opted  
1562 out of the statutory election process, in which case the bylaws  
1563 of the association control. Unless otherwise provided in the  
1564 bylaws, a board member appointed or elected under this section  
1565 shall fill the vacancy for the unexpired term of the seat being  
1566 filled. Filling vacancies created by recall is governed by

580-02351-24

20241178c1

1567 paragraph (1) and rules adopted by the division.

1568       10. This chapter does not limit the use of general or  
1569 limited proxies, require the use of general or limited proxies,  
1570 or require the use of a written ballot or voting machine for any  
1571 agenda item or election at any meeting of a timeshare  
1572 condominium association or nonresidential condominium  
1573 association.

1574  
1575 Notwithstanding subparagraph (b)2. and sub-subparagraph 4.a., an  
1576 association of 10 or fewer units may, by affirmative vote of a  
1577 majority of the total voting interests, provide for different  
1578 voting and election procedures in its bylaws, which may be by a  
1579 proxy specifically delineating the different voting and election  
1580 procedures. The different voting and election procedures may  
1581 provide for elections to be conducted by limited or general  
1582 proxy.

1583       (f) *Annual budget.*—

1584       1. The proposed annual budget of estimated revenues and  
1585 expenses must be detailed and must show the amounts budgeted by  
1586 accounts and expense classifications, including, at a minimum,  
1587 any applicable expenses listed in s. 718.504(21). The board  
1588 shall adopt the annual budget at least 14 days before the start  
1589 of the association's fiscal year. In the event that the board  
1590 fails to timely adopt the annual budget a second time, it is  
1591 deemed a minor violation and the prior year's budget shall  
1592 continue in effect until a new budget is adopted. A  
1593 multicondominium association must adopt a separate budget of  
1594 common expenses for each condominium the association operates  
1595 and must adopt a separate budget of common expenses for the

580-02351-24

20241178c1

1596 association. In addition, if the association maintains limited  
1597 common elements with the cost to be shared only by those  
1598 entitled to use the limited common elements as provided for in  
1599 s. 718.113(1), the budget or a schedule attached to it must show  
1600 the amount budgeted for this maintenance. If, after turnover of  
1601 control of the association to the unit owners, any of the  
1602 expenses listed in s. 718.504(21) are not applicable, they do  
1603 not need to be listed.

1604 2.a. In addition to annual operating expenses, the budget  
1605 must include reserve accounts for capital expenditures and  
1606 planned ~~deferred~~ maintenance. These accounts must include, but  
1607 are not limited to, roof replacement, building painting, and  
1608 pavement resurfacing, regardless of the amount of planned  
1609 ~~deferred~~ maintenance expense or replacement cost, and any other  
1610 item that has a planned ~~deferred~~ maintenance expense or  
1611 replacement cost that exceeds \$10,000. The amount to be reserved  
1612 must be computed using a formula based upon estimated remaining  
1613 useful life and estimated replacement cost or planned ~~deferred~~  
1614 maintenance expense of the reserve item. In a budget adopted by  
1615 an association that is required to obtain a structural integrity  
1616 reserve study, reserves must be maintained for the items  
1617 identified in paragraph (g) for which the association is  
1618 responsible pursuant to the declaration of condominium, and the  
1619 reserve amount for such items must be based on the findings and  
1620 recommendations of the association's most recent structural  
1621 integrity reserve study. With respect to items for which an  
1622 estimate of useful life is not readily ascertainable or with an  
1623 estimated remaining useful life of greater than 25 years, an  
1624 association is not required to reserve replacement costs for

580-02351-24

20241178c1

1625 such items, but an association must reserve the amount of  
1626 planned ~~deferred~~ maintenance expense, if any, which is  
1627 recommended by the structural integrity reserve study for such  
1628 items. The association may adjust replacement reserve  
1629 assessments annually to take into account an inflation  
1630 adjustment and any changes in estimates or extension of the  
1631 useful life of a reserve item caused by planned ~~deferred~~  
1632 maintenance. The members of a unit-owner-controlled association  
1633 may determine, by a majority vote of the total voting interests  
1634 of the association, to provide no reserves or less reserves than  
1635 required by this subsection. For a budget adopted on or after  
1636 December 31, 2024, the members of a unit-owner-controlled  
1637 association that must obtain a structural integrity reserve  
1638 study may not determine to provide no reserves or less reserves  
1639 than required by this subsection for items listed in paragraph  
1640 (g), except that members of an association operating a  
1641 multicondominium may determine to provide no reserves or less  
1642 reserves than required by this subsection if an alternative  
1643 funding method has been approved by the division. Additionally,  
1644 members of an association may determine to provide no reserves  
1645 or less reserves than required by this subsection if the  
1646 condominium building or units are unsafe and uninhabitable due  
1647 to substantial damage or loss as determined by the local  
1648 enforcement agency, as defined in s. 553.71(5), and it is in the  
1649 best interests of the association to use revenues and existing  
1650 reserve funds to perform necessary repairs to make the building  
1651 or units safe and habitable, but an association may not opt for  
1652 such a waiver of reserve requirements after the building or  
1653 units have been declared safe for occupancy by the local

580-02351-24

20241178c1

1654 enforcement agency.

1655       b. Before turnover of control of an association by a  
1656 developer to unit owners other than a developer under s.  
1657 718.301, the developer-controlled association may not vote to  
1658 waive the reserves or reduce funding of the reserves. If a  
1659 meeting of the unit owners has been called to determine whether  
1660 to waive or reduce the funding of reserves and no such result is  
1661 achieved or a quorum is not attained, the reserves included in  
1662 the budget shall go into effect. After the turnover, the  
1663 developer may vote its voting interest to waive or reduce the  
1664 funding of reserves.

1665       3. Reserve funds and any interest or earnings accruing  
1666 thereon shall remain in the reserve account or accounts, and may  
1667 be used only for authorized reserve expenditures unless their  
1668 use for other purposes is approved in advance by a majority vote  
1669 of all the total voting interests of the association. Before  
1670 turnover of control of an association by a developer to unit  
1671 owners other than the developer pursuant to s. 718.301, the  
1672 developer-controlled association may not vote to use reserves  
1673 for purposes other than those for which they were intended. For  
1674 a budget adopted on or after December 31, 2024, members of a  
1675 unit-owner-controlled association that must obtain a structural  
1676 integrity reserve study may not vote to use reserve funds, or  
1677 any interest accruing thereon, for any other purpose other than  
1678 the replacement or planned ~~deferred~~ maintenance costs of the  
1679 components listed in paragraph (g).

1680       4. The only voting interests that are eligible to vote on  
1681 questions that involve waiving or reducing the funding of  
1682 reserves, or using existing reserve funds for purposes other

580-02351-24

20241178c1

1683 than purposes for which the reserves were intended, are the  
1684 voting interests of the units subject to assessment to fund the  
1685 reserves in question. Proxy questions relating to waiving or  
1686 reducing the funding of reserves or using existing reserve funds  
1687 for purposes other than purposes for which the reserves were  
1688 intended must contain the following statement in capitalized,  
1689 bold letters in a font size larger than any other used on the  
1690 face of the proxy ballot: WAIVING OF RESERVES, IN WHOLE OR IN  
1691 PART, OR ALLOWING ALTERNATIVE USES OF EXISTING RESERVES MAY  
1692 RESULT IN UNIT OWNER LIABILITY FOR PAYMENT OF UNANTICIPATED  
1693 SPECIAL ASSESSMENTS REGARDING THOSE ITEMS.

1694 (g) *Structural integrity reserve study.*—

1695 1. A residential condominium association must have a  
1696 structural integrity reserve study completed at least every 10  
1697 years after the condominium's creation for each building on the  
1698 condominium property that is three stories or higher in height,  
1699 as determined by the Florida Building Code, which includes, at a  
1700 minimum, a study of the following items as related to the  
1701 structural integrity and safety of the building:

1702 a. Roof.

1703 b. Structure, including load-bearing walls and other  
1704 primary structural members and primary structural systems as  
1705 those terms are defined in s. 627.706.

1706 c. Fireproofing and fire protection systems.

1707 d. Plumbing.

1708 e. Electrical systems.

1709 f. Waterproofing and exterior painting.

1710 g. Windows and exterior doors.

1711 h. Any other item that has a planned ~~deferred~~ maintenance

580-02351-24

20241178c1

1712 expense or replacement cost that exceeds \$10,000 and the failure  
1713 to replace or maintain such item negatively affects the items  
1714 listed in sub-subparagraphs a.-g., as determined by the visual  
1715 inspection portion of the structural integrity reserve study.

1716 2. A structural integrity reserve study is based on a  
1717 visual inspection of the condominium property. A structural  
1718 integrity reserve study may be performed by any person qualified  
1719 to perform such study. However, the visual inspection portion of  
1720 the structural integrity reserve study must be performed or  
1721 verified by an engineer licensed under chapter 471, an architect  
1722 licensed under chapter 481, or a person certified as a reserve  
1723 specialist or professional reserve analyst by the Community  
1724 Associations Institute or the Association of Professional  
1725 Reserve Analysts.

1726 3. At a minimum, a structural integrity reserve study must  
1727 identify each item of the condominium property being visually  
1728 inspected, state the estimated remaining useful life and the  
1729 estimated replacement cost or planned ~~deferred~~ maintenance  
1730 expense of each item of the condominium property being visually  
1731 inspected, and provide a reserve funding schedule with a  
1732 recommended annual reserve amount that achieves the estimated  
1733 replacement cost or planned ~~deferred~~ maintenance expense of each  
1734 item of condominium property being visually inspected by the end  
1735 of the estimated remaining useful life of the item. The  
1736 structural integrity reserve study may recommend that reserves  
1737 do not need to be maintained for any item for which an estimate  
1738 of useful life and an estimate of replacement cost cannot be  
1739 determined, or the study may recommend a planned ~~deferred~~  
1740 maintenance expense amount for such item. The structural

580-02351-24

20241178c1

1741 integrity reserve study may recommend that reserves for  
1742 replacement costs do not need to be maintained for any item with  
1743 an estimated remaining useful life of greater than 25 years, but  
1744 the study may recommend a planned ~~deferred~~ maintenance expense  
1745 amount for such item. If the condominium building or units are  
1746 unsafe and uninhabitable due to substantial damage or loss as  
1747 determined by the local enforcement agency, as defined in s.  
1748 533.71(5), and it is in the best interests of the association to  
1749 use revenues and existing reserve funds to perform necessary  
1750 repairs to make the building safe and habitable, the structural  
1751 integrity reserve study may recommend a temporary pause in  
1752 reserve funding or reduced reserve funding, but the association  
1753 may not pause reserve funding after the building has been  
1754 declared safe for occupancy by the local enforcement agency.

1755 4. This paragraph does not apply to buildings less than  
1756 three stories in height; single-family, two-family, or three-  
1757 family dwellings with three or fewer habitable stories above  
1758 ground; any portion or component of a building that has not been  
1759 submitted to the condominium form of ownership; or any portion  
1760 or component of a building that is maintained by a party other  
1761 than the association.

1762 5. Before a developer turns over control of an association  
1763 to unit owners other than the developer, the developer must have  
1764 a turnover inspection report in compliance with s. 718.301(4)(p)  
1765 and (q) for each building on the condominium property that is  
1766 three stories or higher in height.

1767 6. Associations existing on or before July 1, 2022, which  
1768 are controlled by unit owners other than the developer, must  
1769 have a structural integrity reserve study completed by December

580-02351-24

20241178c1

1770 31, 2024, for each building on the condominium property that is  
1771 three stories or higher in height, except that the structural  
1772 integrity reserve study may be completed after December 31,  
1773 2024, if the association has entered into a contract for the  
1774 performance of a structural integrity reserve study and the  
1775 study cannot reasonably be performed or completed by December  
1776 31, 2024. An association that is required to complete a  
1777 milestone inspection in accordance with s. 553.899 on or before  
1778 December 31, 2026, may complete the structural integrity reserve  
1779 study simultaneously with the milestone inspection. In no event  
1780 may the structural integrity reserve study be completed after  
1781 December 31, 2026.

1782 7. If the milestone inspection required by s. 553.899, or  
1783 an inspection completed for a similar local requirement, was  
1784 performed within the past 5 years and meets the requirements of  
1785 this paragraph, such inspection may be used in place of the  
1786 visual inspection portion of the structural integrity reserve  
1787 study.

1788 8. If the officers or directors of an association willfully  
1789 and knowingly fail to complete a structural integrity reserve  
1790 study pursuant to this paragraph, such failure is a breach of an  
1791 officer's and director's fiduciary relationship to the unit  
1792 owners under s. 718.111(1).

1793 9. Within 45 days after receiving the structural integrity  
1794 reserve study, the association must distribute a copy of the  
1795 study to each unit owner or deliver to each unit owner a notice  
1796 that the completed study is available for inspection and copying  
1797 upon a written request. Distribution of a copy of the study or  
1798 notice must be made by United States mail or personal delivery

580-02351-24

20241178c1

1799 at the mailing address, property address, or any other address  
1800 of the owner provided to fulfill the association's notice  
1801 requirements under this chapter, or by electronic transmission  
1802 to the e-mail address or facsimile number provided to fulfill  
1803 the association's notice requirements to unit owners who  
1804 previously consented to receive notice by electronic  
1805 transmission.

1806 (i) *Assessments.*—

1807 1. The manner of collecting from the unit owners their  
1808 shares of the common expenses shall be stated in the bylaws.  
1809 Assessments shall be made against units not less frequently than  
1810 quarterly in an amount which is not less than that required to  
1811 provide funds in advance for payment of all of the anticipated  
1812 current operating expenses and for all of the unpaid operating  
1813 expenses previously incurred. Nothing in this paragraph shall  
1814 preclude the right of an association to accelerate assessments  
1815 of an owner delinquent in payment of common expenses.  
1816 Accelerated assessments shall be due and payable on the date the  
1817 claim of lien is filed. Such accelerated assessments shall  
1818 include the amounts due for the remainder of the budget year in  
1819 which the claim of lien was filed.

1820 2.a. In lieu of a special assessment to fund needed repair,  
1821 maintenance, or replacement of a building component recommended  
1822 by a milestone inspection required under s. 553.899 or a similar  
1823 local inspection requirement or a structural integrity reserve  
1824 study, or unanticipated repairs, the board of a unit-owner-  
1825 controlled association may approve contingent special  
1826 assessments against each unit to secure a line of credit for the  
1827 association to provide available funding to pay for such repair,

580-02351-24

20241178c1

1828 maintenance, or replacement. The approved line of credit must be  
1829 made available to the board for the funding of the needed  
1830 repair, maintenance, or replacement. The association must record  
1831 a declaration of special assessments evidencing the levy of such  
1832 special assessments in the public records.

1833 b. Funding from the line of credit must be immediately  
1834 available for access by the board to fund required repair,  
1835 maintenance, or replacement expenses without further approval by  
1836 the members of the association. At the option of a unit owner,  
1837 the special assessment may be paid in full at the time it  
1838 becomes due or the payment may be amortized over a term of years  
1839 as provided for by the line of credit. However, a unit owner may  
1840 pay the remaining balance of the special assessment at any time  
1841 during the amortization period.

1842 c. For a budget adopted on or before December 31, 2029, an  
1843 association may secure a line of credit and assess a contingent  
1844 special assessment as provided in this subparagraph to meet the  
1845 reserve funding schedule recommended by the structural integrity  
1846 reserve study.

1847 d. Except as authorized by sub-subparagraph c., a line of  
1848 credit and contingent special assessment in this paragraph may  
1849 not be used as an alternative to the association's reserve  
1850 funding requirements in paragraph (f).

1851 (q) Director or officer offenses.—

1852 1. A director or an officer charged by information or  
1853 indictment with any of the following crimes is deemed removed  
1854 from office and a vacancy declared:

1855 a. Forgery of a ballot envelope or voting certificate used  
1856 in a condominium association election as provided in s. 831.01.

580-02351-24

20241178c1

1857 b. Theft or embezzlement involving the association's funds  
1858 or property as provided in s. 812.014.

1859 c. Destruction of, or the refusal to allow inspection or  
1860 copying of, an official record of a condominium association  
1861 which is accessible to unit owners within the time periods  
1862 required by general law, in furtherance of any crime. Such act  
1863 constitutes tampering with physical evidence as provided in s.  
1864 918.13.

1865 d. Obstruction of justice under chapter 843.

1866 e. Any criminal violation under this chapter.

1867 2. The board shall fill the vacancy in accordance with  
1868 paragraph (2) (d) a felony theft or embezzlement offense  
1869 involving the association's funds or property must be removed  
1870 from office, creating a vacancy in the office to be filled  
1871 according to law until the end of the period of the suspension  
1872 or the end of the director's term of office, whichever occurs  
1873 first. While such director or officer has such criminal charge  
1874 pending, he or she may not be appointed or elected to a position  
1875 as a director or an officer of any association and may not have  
1876 access to the official records of any association, except  
1877 pursuant to a court order. However, if the charges are resolved  
1878 without a finding of guilt, the director or officer shall be  
1879 reinstated for the remainder of his or her term of office, if  
1880 any.

1881 (r) Fraudulent voting activities relating to association  
1882 elections; penalties.-

1883 1. A person who engages in the following acts of fraudulent  
1884 voting activity relating to association elections commits a  
1885 misdemeanor of the first degree, punishable as provided in s.

580-02351-24

20241178c1

1886 775.082 or s. 775.083:

1887 a. Willfully and falsely swearing to or affirming an oath  
1888 or affirmation, or willfully procuring another person to falsely  
1889 swear to or affirm an oath or affirmation, in connection with or  
1890 arising out of voting activities.

1891 b. Perpetrating or attempting to perpetrate, or aiding in  
1892 the perpetration of, fraud in connection with a vote cast, to be  
1893 cast, or attempted to be cast.

1894 c. Preventing a member from voting or preventing a member  
1895 from voting as he or she intended by fraudulently changing or  
1896 attempting to change a ballot, ballot envelope, vote, or voting  
1897 certificate of the member.

1898 d. Menacing, threatening, or using bribery or any other  
1899 corruption to attempt, directly or indirectly, to influence,  
1900 deceive, or deter a member when the member is voting.

1901 e. Giving or promising, directly or indirectly, anything of  
1902 value to another member with the intent to buy the vote of that  
1903 member or another member or to corruptly influence that member  
1904 or another member in casting his or her vote. This subsection  
1905 does not apply to any food served which is to be consumed at an  
1906 election rally or a meeting or to any item of nominal value  
1907 which is used as an election advertisement, including a campaign  
1908 message designed to be worn by a member.

1909 f. Using or threatening to use, directly or indirectly,  
1910 force, violence, or intimidation or any tactic of coercion or  
1911 intimidation to induce or compel a member to vote or refrain  
1912 from voting in an election or on a particular ballot measure.

1913 2. Each of the following acts constitutes a misdemeanor of  
1914 the first degree, punishable as provided in s. 775.082 or s.

580-02351-24

20241178c1

1915 775.083:

1916 a. Knowingly aiding, abetting, or advising a person in the  
1917 commission of a fraudulent voting activity related to  
1918 association elections.

1919 b. Agreeing, conspiring, combining, or confederating with  
1920 at least one other person to commit a fraudulent voting activity  
1921 related to association elections.

1922 c. Having knowledge of a fraudulent voting activity related  
1923 to association elections and giving any aid to the offender with  
1924 intent that the offender avoid or escape detection, arrest,  
1925 trial, or punishment.

1926  
1927 This subparagraph does not apply to a licensed attorney giving  
1928 legal advice to a client.

1929 3. Any person charged by information or indictment for any  
1930 of the crimes in this paragraph shall be deemed removed from  
1931 office and a vacancy declared.

1932 Section 9. Subsection (5) of section 718.113, Florida  
1933 Statutes, is amended to read:

1934 718.113 Maintenance; limitation upon improvement; display  
1935 of flag; hurricane ~~shutters~~ and protection; display of religious  
1936 decorations.-

1937 (5) To protect the health, safety, and welfare of the  
1938 people of this state and to ensure uniformity and consistency in  
1939 the hurricane protections installed by condominium associations  
1940 and unit owners, this subsection applies to all residential and  
1941 mixed-use condominiums in this state, regardless of when the  
1942 condominium is created pursuant to the declaration of  
1943 condominium. Each board of administration of a residential

580-02351-24

20241178c1

1944 condominium or mixed-use condominium shall adopt hurricane  
1945 protection ~~shutter~~ specifications for each building within each  
1946 condominium operated by the association which may ~~shall~~ include  
1947 color, style, and other factors deemed relevant by the board.  
1948 All specifications adopted by the board must comply with the  
1949 applicable building code. The installation, maintenance, repair,  
1950 replacement, and operation of hurricane protection in accordance  
1951 with this subsection is not considered a material alteration or  
1952 substantial addition to the common elements or association  
1953 property within the meaning of this section.

1954 (a) The board may, subject to s. 718.3026 and the approval  
1955 of a majority of voting interests of the residential condominium  
1956 or mixed-use condominium, install or require that unit owners  
1957 install hurricane shutters, impact glass, code-compliant windows  
1958 or doors, or other types of code-compliant hurricane protection  
1959 that complies ~~comply~~ with or exceeds ~~exceed~~ the applicable  
1960 building code. A vote of the unit owners to require the  
1961 installation of hurricane protection must be set forth in a  
1962 certificate attesting to such vote and include the date that the  
1963 hurricane protection must be installed. The board must record  
1964 the certificate in the public records of the county where the  
1965 condominium is located. The certificate must include the  
1966 recording data identifying the declaration of condominium and  
1967 must be executed in the form required for the execution of a  
1968 deed. Once the certificate is recorded, the board must mail or  
1969 hand deliver a copy of the recorded certificate to the unit  
1970 owners at the owners' addresses, as reflected in the records of  
1971 the association. The board may provide a copy of the recorded  
1972 certificate by electronic transmission to unit owners who

580-02351-24

20241178c1

1973 previously consented to receive notice by electronic  
1974 transmission. The failure to record the certificate or send a  
1975 copy of the recorded certificate to the unit owners does not  
1976 affect the validity or enforceability of the vote of the unit  
1977 owners. However, A vote of the unit owners under this paragraph  
1978 is not required if the installation, maintenance, repair, and  
1979 replacement of the hurricane shutters, impact glass, code-  
1980 compliant windows or doors, or other types of code-compliant  
1981 hurricane protection, or any exterior windows, doors, or other  
1982 apertures protected by the hurricane protection, is are the  
1983 responsibility of the association pursuant to the declaration of  
1984 condominium as originally recorded or as amended, or if the unit  
1985 owners are required to install hurricane protection pursuant to  
1986 the declaration of condominium as originally recorded or as  
1987 amended. If hurricane protection or laminated glass or window  
1988 film architecturally designed to function as hurricane  
1989 protection that complies with or exceeds the current applicable  
1990 building code has been previously installed, the board may not  
1991 install the same type of hurricane shutters, impact glass, code-  
1992 compliant windows or doors, or other types of code-compliant  
1993 hurricane protection or require that unit owners install the  
1994 same type of hurricane protection unless the installed hurricane  
1995 protection has reached the end of its useful life or unless it  
1996 is necessary to prevent damage to the common elements or to a  
1997 unit except upon approval by a majority vote of the voting  
1998 interests.

1999 ~~(b) The association is responsible for the maintenance,~~  
2000 ~~repair, and replacement of the hurricane shutters, impact glass,~~  
2001 ~~code-compliant windows or doors, or other types of code-~~

580-02351-24

20241178c1

2002 ~~compliant hurricane protection authorized by this subsection if~~  
2003 ~~such property is the responsibility of the association pursuant~~  
2004 ~~to the declaration of condominium. If the hurricane shutters,~~  
2005 ~~impact glass, code-compliant windows or doors, or other types of~~  
2006 ~~code-compliant hurricane protection are the responsibility of~~  
2007 ~~the unit owners pursuant to the declaration of condominium, the~~  
2008 ~~maintenance, repair, and replacement of such items are the~~  
2009 ~~responsibility of the unit owner.~~

2010 ~~(b)(e)~~ The board may operate shutters, ~~impact glass, code-~~  
2011 ~~compliant windows or doors, or other types of code-compliant~~  
2012 ~~hurricane protection installed pursuant to this subsection~~  
2013 ~~without permission of the unit owners only if such operation is~~  
2014 ~~necessary to preserve and protect the condominium property or~~  
2015 ~~and association property. The installation, replacement,~~  
2016 ~~operation, repair, and maintenance of such shutters, impact~~  
2017 ~~glass, code-compliant windows or doors, or other types of code-~~  
2018 ~~compliant hurricane protection in accordance with the procedures~~  
2019 ~~set forth in this paragraph are not a material alteration to the~~  
2020 ~~common elements or association property within the meaning of~~  
2021 ~~this section.~~

2022 ~~(c)(d)~~ Notwithstanding any other provision in the  
2023 ~~residential condominium or mixed-use condominium documents, if~~  
2024 ~~approval is required by the documents, a board may not refuse to~~  
2025 ~~approve the installation or replacement of ~~hurricane shutters,~~~~  
2026 ~~impact glass, code-compliant windows or doors, or other types of~~  
2027 ~~code-compliant hurricane protection by a unit owner which~~  
2028 ~~conforms ~~conforming~~ to the specifications adopted by the board.~~  
2029 ~~However, a board may require the unit owner to adhere to an~~  
2030 ~~existing unified building scheme regarding the external~~

580-02351-24

20241178c1

2031 appearance of the condominium.

2032 (d) A unit owner is not responsible for the cost of any  
2033 removal or reinstallation of hurricane protection, and any  
2034 exterior window, door, or other aperture protected by the  
2035 hurricane protection, if its removal is necessary for the  
2036 maintenance, repair, or replacement of other condominium  
2037 property or association property for which the association is  
2038 responsible. The board shall determine if the removal or  
2039 reinstallation of hurricane protection must be completed by the  
2040 unit owner or the association. If such removal or reinstallation  
2041 is completed by the association, the costs incurred by the  
2042 association may not be charged to the unit owner. If such  
2043 removal or installation is completed by the unit owner, the  
2044 association must reimburse the unit owner for the cost of the  
2045 removal or installation or the association must apply the unit  
2046 owner's cost of removal or installation as a credit toward  
2047 future assessments.

2048 (e) If the removal or installation of hurricane protection  
2049 or of any exterior windows, doors, or other apertures protected  
2050 by the hurricane protection are the responsibility of the unit  
2051 owner, such removal or installation is completed by the  
2052 association, and the association then charges the unit owner for  
2053 such removal or installation, such charges are enforceable as an  
2054 assessment and may be collected in the manner provided under s.  
2055 718.116.

2056 Section 10. Paragraph (e) of subsection (1) of section  
2057 718.115, Florida Statutes, is amended to read:

2058 718.115 Common expenses and common surplus.—

2059 (1)

580-02351-24

20241178c1

2060           (e)1. Except as provided in s. 718.113(5) (d) ~~The expense of~~  
2061 ~~installation, replacement, operation, repair, and maintenance of~~  
2062 ~~hurricane shutters, impact glass, code-compliant windows or~~  
2063 ~~doors, or other types of code-compliant hurricane protection by~~  
2064 ~~the board pursuant to s. 718.113(5) constitutes a common expense~~  
2065 ~~and shall be collected as provided in this section if the~~  
2066 ~~association is responsible for the maintenance, repair, and~~  
2067 ~~replacement of the hurricane shutters, impact glass, code-~~  
2068 ~~compliant windows or doors, or other types of code-compliant~~  
2069 ~~hurricane protection pursuant to the declaration of condominium.~~  
2070 ~~However, if the installation of maintenance, repair, and~~  
2071 ~~replacement of the hurricane shutters, impact glass, code-~~  
2072 ~~compliant windows or doors, or other types of code-compliant~~  
2073 ~~hurricane protection is are the responsibility of the unit~~  
2074 ~~owners pursuant to the declaration of condominium or a vote of~~  
2075 ~~the unit owners under s. 718.113(5), the cost of the~~  
2076 ~~installation of the hurricane shutters, impact glass, code-~~  
2077 ~~compliant windows or doors, or other types of code-compliant~~  
2078 ~~hurricane protection by the association is not a common expense~~  
2079 ~~and must shall be charged individually to the unit owners based~~  
2080 ~~on the cost of installation of the hurricane shutters, impact~~  
2081 ~~glass, code-compliant windows or doors, or other types of code-~~  
2082 ~~compliant hurricane protection appurtenant to the unit. The~~  
2083 ~~costs of installation of hurricane protection are enforceable as~~  
2084 ~~an assessment and may be collected in the manner provided under~~  
2085 ~~s. 718.116.~~

2086           2. Notwithstanding s. 718.116(9), and regardless of whether  
2087 ~~or not~~ the declaration requires the association or unit owners  
2088 to install, maintain, repair, or replace hurricane shutters,

580-02351-24

20241178c1

2089 ~~impact glass, code-compliant windows or doors, or other types of~~  
2090 ~~code-compliant hurricane protection, the a unit owner of a unit~~  
2091 ~~where who has previously installed hurricane shutters in~~  
2092 ~~accordance with s. 718.113(5) that comply with the current~~  
2093 ~~applicable building code shall receive a credit when the~~  
2094 ~~shutters are installed; a unit owner who has previously~~  
2095 ~~installed impact glass or code-compliant windows or doors that~~  
2096 ~~comply with the current applicable building code shall receive a~~  
2097 ~~credit when the impact glass or code-compliant windows or doors~~  
2098 ~~are installed; and a unit owner who has installed other types of~~  
2099 ~~code-compliant hurricane protection that complies ~~comply~~ with~~  
2100 ~~the current applicable building code has been installed is~~  
2101 ~~excused from any assessment levied by the association or shall~~  
2102 ~~receive a credit if ~~when~~ the same type of ~~other code-compliant~~~~  
2103 ~~hurricane protection is installed by the association, and the~~  
2104 ~~credit shall be equal to the pro rata portion of the assessed~~  
2105 ~~installation cost assigned to each unit. A credit is applicable~~  
2106 ~~if the installation of hurricane protection is for all other~~  
2107 ~~units that do not have hurricane protection and the cost of such~~  
2108 ~~installation is funded by the association's budget, including~~  
2109 ~~the use of reserve funds. The credit must be equal to the amount~~  
2110 ~~that the unit owner would have been assessed to install the~~  
2111 ~~hurricane protection. However, such unit owner remains~~  
2112 ~~responsible for the pro rata share of expenses for ~~hurricane~~~~  
2113 ~~~~shutters, impact glass, code-compliant windows or doors, or~~~~  
2114 ~~~~other types of code-compliant hurricane protection installed on~~~~  
2115 ~~common elements and association property by the board pursuant~~  
2116 ~~to s. 718.113(5) and remains responsible for a pro rata share of~~  
2117 ~~the expense of the replacement, operation, repair, and~~

580-02351-24

20241178c1

2118 maintenance of such ~~shutters, impact glass, code compliant~~  
2119 ~~windows or doors, or other types of code compliant~~ hurricane  
2120 protection. Expenses for the installation, replacement,  
2121 operation, repair, or maintenance of hurricane protection on  
2122 common elements and association property are common expenses.

2123 Section 11. Paragraph (a) of subsection (8) of section  
2124 718.116, Florida Statutes, is amended to read

2125 718.116 Assessments; liability; lien and priority;  
2126 interest; collection.—

2127 (8) Within 10 business days after receiving a written or  
2128 electronic request therefor from a unit owner or the unit  
2129 owner's designee, or a unit mortgagee or the unit mortgagee's  
2130 designee, the association shall issue the estoppel certificate.  
2131 Each association shall designate on its website a person or  
2132 entity with a street or e-mail address for receipt of a request  
2133 for an estoppel certificate issued pursuant to this section. The  
2134 estoppel certificate must be provided by hand delivery, regular  
2135 mail, or e-mail to the requestor on the date of issuance of the  
2136 estoppel certificate.

2137 (a) An estoppel certificate may be completed by any board  
2138 member, authorized agent, or authorized representative of the  
2139 association, including any authorized agent, authorized  
2140 representative, or employee of a management company authorized  
2141 to complete this form on behalf of the board or association. The  
2142 estoppel certificate must contain all of the following  
2143 information and must be substantially in the following form:

2144 1. Date of issuance:....

2145 2. Name(s) of the unit owner(s) as reflected in the books  
2146 and records of the association:....

580-02351-24

20241178c1

- 2147 3. Unit designation and address:....
- 2148 4. Parking or garage space number, as reflected in the  
2149 books and records of the association:....
- 2150 5. Attorney's name and contact information if the account  
2151 is delinquent and has been turned over to an attorney for  
2152 collection. No fee may be charged for this information.
- 2153 6. Fee for the preparation and delivery of the estoppel  
2154 certificate:....
- 2155 7. Name of the requestor:....
- 2156 8. Assessment information and other information:

## ASSESSMENT INFORMATION:

- 2157
- 2158
- 2159
- 2160 a. The regular periodic assessment levied against the unit  
2161 is \$.... per ...(insert frequency of payment)....
- 2162 b. The regular periodic assessment is paid through  
2163 ...(insert date paid through)....
- 2164 c. The next installment of the regular periodic assessment  
2165 is due ...(insert due date)... in the amount of \$.....
- 2166 d. An itemized list of all assessments, special  
2167 assessments, and other moneys owed on the date of issuance to  
2168 the association by the unit owner for a specific unit is  
2169 provided.
- 2170 e. An itemized list of any additional assessments, special  
2171 assessments, contingent special assessments, and other moneys  
2172 that are scheduled to become due for each day after the date of  
2173 issuance for the effective period of the estoppel certificate is  
2174 provided. In calculating the amounts that are scheduled to  
2175 become due, the association may assume that any delinquent

580-02351-24

20241178c1

2176 amounts will remain delinquent during the effective period of  
2177 the estoppel certificate.

2178 f. Any line of credit for which a contingent special  
2179 assessment may be imposed.

2180

2181 OTHER INFORMATION:

2182

2183 ~~g.f.~~ Is there a capital contribution fee, resale fee,  
2184 transfer fee, or other fee due? ....(Yes) ....(No). If yes,  
2185 specify the type and the amount of the fee.

2186 ~~h.g.~~ Is there any open violation of rule or regulation  
2187 noticed to the unit owner in the association official records?  
2188 ....(Yes) ....(No).

2189 ~~i.h.~~ Do the rules and regulations of the association  
2190 applicable to the unit require approval by the board of  
2191 directors of the association for the transfer of the unit?  
2192 ....(Yes) ....(No). If yes, has the board approved the transfer  
2193 of the unit? ....(Yes) ....(No).

2194 ~~j.i.~~ Is there a right of first refusal provided to the  
2195 members or the association? ....(Yes) ....(No). If yes, have the  
2196 members or the association exercised that right of first  
2197 refusal? ....(Yes) ....(No).

2198 ~~k.j.~~ Provide a list of, and contact information for, all  
2199 other associations of which the unit is a member.

2200 ~~l.k.~~ Provide contact information for all insurance  
2201 maintained by the association.

2202 ~~m.l.~~ Provide the signature of an officer or authorized  
2203 agent of the association.

2204

580-02351-24

20241178c1

2205 The association, at its option, may include additional  
2206 information in the estoppel certificate.

2207 Section 12. Paragraph (a) of subsection (4) of section  
2208 718.121, Florida Statutes, is amended to read:

2209 718.121 Liens.—

2210 (4) (a) If an association sends out an invoice for  
2211 assessments or a unit's statement of the account described in s.  
2212 718.111(12) (a) 11.c. ~~s. 718.111(12) (a) 11.b.~~, the invoice for  
2213 assessments or the unit's statement of account must be delivered  
2214 to the unit owner by first-class United States mail or by  
2215 electronic transmission to the unit owner's e-mail address  
2216 maintained in the association's official records.

2217 Section 13. Section 718.1224, Florida Statutes, is amended  
2218 to read:

2219 718.1224 Prohibition against SLAPP suits; other prohibited  
2220 actions.—

2221 (1) It is the intent of the Legislature to protect the  
2222 right of condominium unit owners to exercise their rights to  
2223 instruct their representatives and petition for redress of  
2224 grievances before their condominium association and the various  
2225 governmental entities of this state as protected by the First  
2226 Amendment to the United States Constitution and s. 5, Art. I of  
2227 the State Constitution. The Legislature recognizes that  
2228 strategic lawsuits against public participation, or "SLAPP  
2229 suits," as they are typically referred to, have occurred when  
2230 association members are sued by condominium associations,  
2231 individuals, business entities, or governmental entities arising  
2232 out of a condominium unit owner's appearance and presentation  
2233 before the board of the condominium association or a

580-02351-24

20241178c1

2234 governmental entity on matters related to the condominium  
2235 association. However, it is the public policy of this state that  
2236 condominium associations, governmental entities, business  
2237 organizations, and individuals not engage in SLAPP suits,  
2238 because such actions are inconsistent with the right of  
2239 condominium unit owners to participate in their condominium  
2240 association and in the state's institutions of government.  
2241 Therefore, the Legislature finds and declares that prohibiting  
2242 such lawsuits by condominium associations, governmental  
2243 entities, business entities, and individuals against condominium  
2244 unit owners who address matters concerning their condominium  
2245 association will preserve this fundamental state policy,  
2246 preserve the constitutional rights of condominium unit owners,  
2247 ~~and~~ ensure the continuation of representative government in this  
2248 state, and ensure unit owner participation in condominium  
2249 associations. It is the intent of the Legislature that such  
2250 lawsuits be expeditiously disposed of by the courts. As used in  
2251 this subsection, the term "governmental entity" means the state,  
2252 including the executive, legislative, and judicial branches of  
2253 government; law enforcement agencies; the independent  
2254 establishments of the state, counties, municipalities,  
2255 districts, authorities, boards, or commissions; or any agencies  
2256 of these branches that are subject to chapter 286.

2257 (2) A condominium association, governmental entity,  
2258 business organization, or individual in this state may not file  
2259 or cause to be filed through its employees or agents any  
2260 lawsuit, cause of action, claim, cross-claim, or counterclaim  
2261 against a condominium unit owner without merit and solely  
2262 because such condominium unit owner has exercised the right to

580-02351-24

20241178c1

2263 instruct his or her representatives or the right to petition for  
2264 redress of grievances before the condominium association or the  
2265 various governmental entities of this state, as protected by the  
2266 First Amendment to the United States Constitution and s. 5, Art.  
2267 I of the State Constitution.

2268 (3) A condominium association may not fine,  
2269 discriminatorily increase a unit owner's assessments or  
2270 discriminatorily decrease services to a unit owner, or bring or  
2271 threaten to bring an action for possession or other civil  
2272 action, including a defamation, libel, slander, or tortious  
2273 interference action, based on conduct described in paragraphs  
2274 (a) through (f). In order for the unit owner to raise the  
2275 defense of retaliatory conduct, the unit owner must have acted  
2276 in good faith and not for any improper purposes, such as to  
2277 harass or to cause unnecessary delay or for frivolous purpose or  
2278 needless increase in the cost of litigation. Examples of conduct  
2279 for which a condominium association, officer, director, or agent  
2280 of an association may not retaliate include, but are not limited  
2281 to, situations where:

2282 (a) The unit owner has in good faith complained to a  
2283 governmental agency charged with responsibility for enforcement  
2284 of a building, housing, or health code of a suspected violation  
2285 applicable to the condominium;

2286 (b) The unit owner has organized, encouraged, or  
2287 participated in a unit owners' organization;

2288 (c) The unit owner submitted information or filed a  
2289 complaint alleging criminal violations or violations of this  
2290 chapter or the rules of the division with the division, the  
2291 Office of the Condominium Ombudsman, a law enforcement agency, a

580-02351-24

20241178c1

2292 state attorney, the Attorney General, or any other governmental  
2293 agency;

2294 (d) The unit owner has exercised his or her rights under  
2295 this chapter;

2296 (e) The unit owner has complained to the association or any  
2297 of its representatives for their failure to comply with this  
2298 chapter or chapter 617; or

2299 (f) The unit owner has made public statements critical of  
2300 the operation or management of the association.

2301 (4) Evidence of retaliatory conduct may be raised by the  
2302 unit owner as a defense in any action brought against him or her  
2303 for possession.

2304 (5) A condominium unit owner sued by a condominium  
2305 association, governmental entity, business organization, or  
2306 individual in violation of this section has a right to an  
2307 expeditious resolution of a claim that the suit is in violation  
2308 of this section. A condominium unit owner may petition the court  
2309 for an order dismissing the action or granting final judgment in  
2310 favor of that condominium unit owner. The petitioner may file a  
2311 motion for summary judgment, together with supplemental  
2312 affidavits, seeking a determination that the condominium  
2313 association's, governmental entity's, business organization's,  
2314 or individual's lawsuit has been brought in violation of this  
2315 section. The condominium association, governmental entity,  
2316 business organization, or individual shall thereafter file its  
2317 response and any supplemental affidavits. As soon as  
2318 practicable, the court shall set a hearing on the petitioner's  
2319 motion, which shall be held at the earliest possible time after  
2320 the filing of the condominium association's, governmental

580-02351-24

20241178c1

2321 entity's, business organization's, or individual's response. The  
2322 court may award the condominium unit owner sued by the  
2323 condominium association, governmental entity, business  
2324 organization, or individual actual damages arising from the  
2325 condominium association's, governmental entity's, individual's,  
2326 or business organization's violation of this section. A court  
2327 may treble the damages awarded to a prevailing condominium unit  
2328 owner and shall state the basis for the treble damages award in  
2329 its judgment. The court shall award the prevailing party  
2330 reasonable attorney's fees and costs incurred in connection with  
2331 a claim that an action was filed in violation of this section.

2332 ~~(6)-(4)~~ Condominium associations may not expend association  
2333 funds in prosecuting a SLAPP suit against a condominium unit  
2334 owner.

2335 (7) Condominium associations may not expend association  
2336 funds in support of a defamation, libel, slander, or tortious  
2337 interference action against a unit owner or any other claim  
2338 against a unit owner based on conduct described in paragraphs  
2339 (3) (a) - (f).

2340 Section 14. Section 718.128, Florida Statutes, is amended  
2341 to read:

2342 718.128 Electronic voting.—The association may conduct  
2343 elections and other unit owner votes through an Internet-based  
2344 online voting system if a unit owner consents, electronically or  
2345 in writing, to online voting and if the following requirements  
2346 are met:

2347 (1) The association provides each unit owner with:

2348 (a) A method to authenticate the unit owner's identity to  
2349 the online voting system.

580-02351-24

20241178c1

2350 (b) For elections of the board, a method to transmit an  
2351 electronic ballot to the online voting system that ensures the  
2352 secrecy and integrity of each ballot.

2353 (c) A method to confirm, at least 14 days before the voting  
2354 deadline, that the unit owner's electronic device can  
2355 successfully communicate with the online voting system.

2356 (2) The association uses an online voting system that is:

2357 (a) Able to authenticate the unit owner's identity.

2358 (b) Able to authenticate the validity of each electronic  
2359 vote to ensure that the vote is not altered in transit.

2360 (c) Able to transmit a receipt from the online voting  
2361 system to each unit owner who casts an electronic vote.

2362 (d) For elections of the board of administration, able to  
2363 permanently separate any authentication or identifying  
2364 information from the electronic election ballot, rendering it  
2365 impossible to tie an election ballot to a specific unit owner.

2366 (e) Able to store and keep electronic votes accessible to  
2367 election officials for recount, inspection, and review purposes.

2368 (3) A unit owner voting electronically pursuant to this  
2369 section shall be counted as being in attendance at the meeting  
2370 for purposes of determining a quorum. A substantive vote of the  
2371 unit owners may not be taken on any issue other than the issues  
2372 specifically identified in the electronic vote, when a quorum is  
2373 established based on unit owners voting electronically pursuant  
2374 to this section.

2375 (4) This section applies to an association that provides  
2376 for and authorizes an online voting system pursuant to this  
2377 section by a board resolution. The board resolution must provide  
2378 that unit owners receive notice of the opportunity to vote

580-02351-24

20241178c1

2379 through an online voting system, must establish reasonable  
2380 procedures and deadlines for unit owners to consent,  
2381 electronically or in writing, to online voting, and must  
2382 establish reasonable procedures and deadlines for unit owners to  
2383 opt out of online voting after giving consent. Written notice of  
2384 a meeting at which the resolution will be considered must be  
2385 mailed, delivered, or electronically transmitted to the unit  
2386 owners and posted conspicuously on the condominium property or  
2387 association property at least 14 days before the meeting.  
2388 Evidence of compliance with the 14-day notice requirement must  
2389 be made by an affidavit executed by the person providing the  
2390 notice and filed with the official records of the association.

2391 (5) A unit owner's consent to online voting is valid until  
2392 the unit owner opts out of online voting according to the  
2393 procedures established by the board of administration pursuant  
2394 to subsection (4).

2395 (6) This section may apply to any matter that requires a  
2396 vote of the unit owners who are not members of a timeshare  
2397 condominium association.

2398 Section 15. Paragraph (p) of subsection (4) of section  
2399 718.301, Florida Statutes, is amended to read:

2400 718.301 Transfer of association control; claims of defect  
2401 by association.—

2402 (4) At the time that unit owners other than the developer  
2403 elect a majority of the members of the board of administration  
2404 of an association, the developer shall relinquish control of the  
2405 association, and the unit owners shall accept control.  
2406 Simultaneously, or for the purposes of paragraph (c) not more  
2407 than 90 days thereafter, the developer shall deliver to the

580-02351-24

20241178c1

2408 association, at the developer's expense, all property of the  
2409 unit owners and of the association which is held or controlled  
2410 by the developer, including, but not limited to, the following  
2411 items, if applicable, as to each condominium operated by the  
2412 association:

2413 (p) Notwithstanding when the certificate of occupancy was  
2414 issued or the height of the building, a turnover inspection  
2415 report included in the official records, under seal of an  
2416 architect or engineer authorized to practice in this state or a  
2417 person certified as a reserve specialist or professional reserve  
2418 analyst by the Community Associations Institute or the  
2419 Association of Professional Reserve Analysts, and consisting of  
2420 a structural integrity reserve study attesting to required  
2421 maintenance, condition, useful life, and replacement costs of  
2422 the following applicable condominium property:

- 2423 1. Roof.
- 2424 2. Structure, including load-bearing walls and primary  
2425 structural members and primary structural systems as those terms  
2426 are defined in s. 627.706.
- 2427 3. Fireproofing and fire protection systems.
- 2428 4. Plumbing.
- 2429 5. Electrical systems.
- 2430 6. Waterproofing and exterior painting.
- 2431 7. Windows and exterior doors.

2432 Section 16. Paragraph (a) of subsection (2) of section  
2433 718.3026, Florida Statutes, is amended to read:

2434 718.3026 Contracts for products and services; in writing;  
2435 bids; exceptions.—Associations with 10 or fewer units may opt  
2436 out of the provisions of this section if two-thirds of the unit

580-02351-24

20241178c1

2437 owners vote to do so, which opt-out may be accomplished by a  
2438 proxy specifically setting forth the exception from this  
2439 section.

2440 (2) (a) Notwithstanding the foregoing, contracts with  
2441 employees of the association, and contracts for attorney,  
2442 accountant, architect, community association manager, timeshare  
2443 management firm, engineering, registered investment adviser, and  
2444 landscape architect services are not subject to the provisions  
2445 of this section.

2446 Section 17. Subsections (4) and (5) of section 718.3027,  
2447 Florida Statutes, are amended to read:

2448 718.3027 Conflicts of interest.—

2449 (4) A director or an officer, or a relative of a director  
2450 or an officer, who is a party to, or has an interest in, an  
2451 activity that is a possible conflict of interest, as described  
2452 in subsection (1), may attend the meeting at which the activity  
2453 is considered by the board and is authorized to make a  
2454 presentation to the board regarding the activity. After the  
2455 presentation, the director or officer, and any ~~or the~~ relative  
2456 of the director or officer, must leave the meeting during the  
2457 discussion of, and the vote on, the activity. A director or an  
2458 officer who is a party to, or has an interest in, the activity  
2459 must recuse himself or herself from the vote. The attendance of  
2460 a director with a possible conflict of interest at the meeting  
2461 of the board is sufficient to constitute a quorum for the  
2462 meeting and the vote in his or her absence on the proposed  
2463 activity.

2464 (5) A contract entered into between a director or an  
2465 officer, or a relative of a director or an officer, and the

580-02351-24

20241178c1

2466 association, which is not a timeshare condominium association,  
2467 that has not been properly disclosed as a conflict of interest  
2468 or potential conflict of interest as required by this section or  
2469 s. 617.0832 ~~s. 718.111(12)(g)~~ is voidable and terminates upon  
2470 the filing of a written notice terminating the contract with the  
2471 board of directors which contains the consent of at least 20  
2472 percent of the voting interests of the association.

2473 Section 18. Subsection (5) of section 718.303, Florida  
2474 Statutes, is amended to read:

2475 718.303 Obligations of owners and occupants; remedies.—

2476 (5) An association may suspend the voting rights of a unit  
2477 owner or member due to nonpayment of any fee, fine, or other  
2478 monetary obligation due to the association which is more than  
2479 \$1,000 and more than 90 days delinquent. Proof of such  
2480 obligation must be provided to the unit owner or member 30 days  
2481 before such suspension takes effect. Notice of such obligation  
2482 must also be provided to the unit owner at least 90 days before  
2483 an election. A voting interest or consent right allocated to a  
2484 unit owner or member which has been suspended by the association  
2485 shall be subtracted from the total number of voting interests in  
2486 the association, which shall be reduced by the number of  
2487 suspended voting interests when calculating the total percentage  
2488 or number of all voting interests available to take or approve  
2489 any action, and the suspended voting interests shall not be  
2490 considered for any purpose, including, but not limited to, the  
2491 percentage or number of voting interests necessary to constitute  
2492 a quorum, the percentage or number of voting interests required  
2493 to conduct an election, or the percentage or number of voting  
2494 interests required to approve an action under this chapter or

580-02351-24

20241178c1

2495 pursuant to the declaration, articles of incorporation, or  
2496 bylaws. The suspension ends upon full payment of all obligations  
2497 currently due or overdue the association. The notice and hearing  
2498 requirements under subsection (3) do not apply to a suspension  
2499 imposed under this subsection.

2500 Section 19. Subsections (1) and (2) of section 718.501,  
2501 Florida Statutes, are amended to read:

2502 718.501 Authority, responsibility, and duties of Division  
2503 of Florida Condominiums, Timeshares, and Mobile Homes.—

2504 (1) The division may enforce and ensure compliance with  
2505 this chapter and rules relating to the development,  
2506 construction, sale, lease, ownership, operation, and management  
2507 of residential condominium units and complaints related to the  
2508 procedural completion of milestone inspections under s. 553.899.  
2509 In performing its duties, the division has complete jurisdiction  
2510 to investigate complaints and enforce compliance with respect to  
2511 associations that are still under developer control or the  
2512 control of a bulk assignee or bulk buyer pursuant to part VII of  
2513 this chapter and complaints against developers, bulk assignees,  
2514 or bulk buyers involving improper turnover or failure to  
2515 turnover, pursuant to s. 718.301. ~~However, after turnover has  
2516 occurred, the division has jurisdiction to investigate  
2517 complaints related only to financial issues, elections, and the  
2518 maintenance of and unit owner access to association records  
2519 under s. 718.111(12), and the procedural completion of  
2520 structural integrity reserve studies under s. 718.112(2)(g).~~

2521 (a)1. The division may make necessary public or private  
2522 investigations within or outside this state to determine whether  
2523 any person has violated this chapter or any rule or order

580-02351-24

20241178c1

2524 hereunder, to aid in the enforcement of this chapter, or to aid  
2525 in the adoption of rules or forms.

2526       2. The division may submit any official written report,  
2527 worksheet, or other related paper, or a duly certified copy  
2528 thereof, compiled, prepared, drafted, or otherwise made by and  
2529 duly authenticated by a financial examiner or analyst to be  
2530 admitted as competent evidence in any hearing in which the  
2531 financial examiner or analyst is available for cross-examination  
2532 and attests under oath that such documents were prepared as a  
2533 result of an examination or inspection conducted pursuant to  
2534 this chapter.

2535       (b) The division may require or permit any person to file a  
2536 statement in writing, under oath or otherwise, as the division  
2537 determines, as to the facts and circumstances concerning a  
2538 matter to be investigated.

2539       (c) For the purpose of any investigation under this  
2540 chapter, the division director or any officer or employee  
2541 designated by the division director may administer oaths or  
2542 affirmations, subpoena witnesses and compel their attendance,  
2543 take evidence, and require the production of any matter which is  
2544 relevant to the investigation, including the existence,  
2545 description, nature, custody, condition, and location of any  
2546 books, documents, or other tangible things and the identity and  
2547 location of persons having knowledge of relevant facts or any  
2548 other matter reasonably calculated to lead to the discovery of  
2549 material evidence. Upon the failure by a person to obey a  
2550 subpoena or to answer questions propounded by the investigating  
2551 officer and upon reasonable notice to all affected persons, the  
2552 division may apply to the circuit court for an order compelling

580-02351-24

20241178c1

2553 compliance.

2554 (d) Notwithstanding any remedies available to unit owners  
2555 and associations, if the division has reasonable cause to  
2556 believe that a violation of any provision of this chapter or  
2557 related rule has occurred, the division may institute  
2558 enforcement proceedings in its own name against any developer,  
2559 bulk assignee, bulk buyer, association, officer, or member of  
2560 the board of administration, or its assignees or agents, as  
2561 follows:

2562 1. The division may permit a person whose conduct or  
2563 actions may be under investigation to waive formal proceedings  
2564 and enter into a consent proceeding whereby orders, rules, or  
2565 letters of censure or warning, whether formal or informal, may  
2566 be entered against the person.

2567 2. The division may issue an order requiring the developer,  
2568 bulk assignee, bulk buyer, association, developer-designated  
2569 officer, or developer-designated member of the board of  
2570 administration, developer-designated assignees or agents, bulk  
2571 assignee-designated assignees or agents, bulk buyer-designated  
2572 assignees or agents, community association manager, or community  
2573 association management firm to cease and desist from the  
2574 unlawful practice and take such affirmative action as in the  
2575 judgment of the division carry out the purposes of this chapter.  
2576 If the division finds that a developer, bulk assignee, bulk  
2577 buyer, association, officer, or member of the board of  
2578 administration, or its assignees or agents, is violating or is  
2579 about to violate any provision of this chapter, any rule adopted  
2580 or order issued by the division, or any written agreement  
2581 entered into with the division, and presents an immediate danger

580-02351-24

20241178c1

2582 to the public requiring an immediate final order, it may issue  
2583 an emergency cease and desist order reciting with particularity  
2584 the facts underlying such findings. The emergency cease and  
2585 desist order is effective for 90 days. If the division begins  
2586 nonemergency cease and desist proceedings, the emergency cease  
2587 and desist order remains effective until the conclusion of the  
2588 proceedings under ss. 120.569 and 120.57.

2589         3. If a developer, bulk assignee, or bulk buyer fails to  
2590 pay any restitution determined by the division to be owed, plus  
2591 any accrued interest at the highest rate permitted by law,  
2592 within 30 days after expiration of any appellate time period of  
2593 a final order requiring payment of restitution or the conclusion  
2594 of any appeal thereof, whichever is later, the division must  
2595 bring an action in circuit or county court on behalf of any  
2596 association, class of unit owners, lessees, or purchasers for  
2597 restitution, declaratory relief, injunctive relief, or any other  
2598 available remedy. The division may also temporarily revoke its  
2599 acceptance of the filing for the developer to which the  
2600 restitution relates until payment of restitution is made.

2601         4. The division may petition the court for appointment of a  
2602 receiver or conservator. If appointed, the receiver or  
2603 conservator may take action to implement the court order to  
2604 ensure the performance of the order and to remedy any breach  
2605 thereof. In addition to all other means provided by law for the  
2606 enforcement of an injunction or temporary restraining order, the  
2607 circuit court may impound or sequester the property of a party  
2608 defendant, including books, papers, documents, and related  
2609 records, and allow the examination and use of the property by  
2610 the division and a court-appointed receiver or conservator.

580-02351-24

20241178c1

2611           5. The division may apply to the circuit court for an order  
2612 of restitution whereby the defendant in an action brought under  
2613 subparagraph 4. is ordered to make restitution of those sums  
2614 shown by the division to have been obtained by the defendant in  
2615 violation of this chapter. At the option of the court, such  
2616 restitution is payable to the conservator or receiver appointed  
2617 under subparagraph 4. or directly to the persons whose funds or  
2618 assets were obtained in violation of this chapter.

2619           6. The division may impose a civil penalty against a  
2620 developer, bulk assignee, or bulk buyer, or association, or its  
2621 assignee or agent, for any violation of this chapter, or related  
2622 rule, or chapter 617. The division may impose a civil penalty  
2623 individually against an officer or board member who willfully  
2624 and knowingly violates this chapter, an adopted rule, or a final  
2625 order of the division; may order the removal of such individual  
2626 as an officer or from the board of administration or as an  
2627 officer of the association; and may prohibit such individual  
2628 from serving as an officer or on the board of a community  
2629 association for a period of time. The term "willfully and  
2630 knowingly" means that the division informed the officer or board  
2631 member that his or her action or intended action violates this  
2632 chapter, a rule adopted under this chapter, or a final order of  
2633 the division and that the officer or board member refused to  
2634 comply with the requirements of this chapter, a rule adopted  
2635 under this chapter, or a final order of the division. The  
2636 division, before initiating formal agency action under chapter  
2637 120, must afford the officer or board member an opportunity to  
2638 voluntarily comply, and an officer or board member who complies  
2639 within 10 days is not subject to a civil penalty. A penalty may

580-02351-24

20241178c1

2640 be imposed on the basis of each day of continuing violation, but  
2641 the penalty for any offense may not exceed \$5,000. The division  
2642 shall adopt, by rule, penalty guidelines applicable to possible  
2643 violations or to categories of violations of this chapter or  
2644 rules adopted by the division. The guidelines must specify a  
2645 meaningful range of civil penalties for each such violation of  
2646 the statute and rules and must be based upon the harm caused by  
2647 the violation, upon the repetition of the violation, and upon  
2648 such other factors deemed relevant by the division. For example,  
2649 the division may consider whether the violations were committed  
2650 by a developer, bulk assignee, or bulk buyer, or owner-  
2651 controlled association, the size of the association, and other  
2652 factors. The guidelines must designate the possible mitigating  
2653 or aggravating circumstances that justify a departure from the  
2654 range of penalties provided by the rules. It is the legislative  
2655 intent that minor violations be distinguished from those which  
2656 endanger the health, safety, or welfare of the condominium  
2657 residents or other persons and that such guidelines provide  
2658 reasonable and meaningful notice to the public of likely  
2659 penalties that may be imposed for proscribed conduct. This  
2660 subsection does not limit the ability of the division to  
2661 informally dispose of administrative actions or complaints by  
2662 stipulation, agreed settlement, or consent order. All amounts  
2663 collected shall be deposited with the Chief Financial Officer to  
2664 the credit of the Division of Florida Condominiums, Timeshares,  
2665 and Mobile Homes Trust Fund. If a developer, bulk assignee, or  
2666 bulk buyer fails to pay the civil penalty and the amount deemed  
2667 to be owed to the association, the division shall issue an order  
2668 directing that such developer, bulk assignee, or bulk buyer

580-02351-24

20241178c1

2669 cease and desist from further operation until such time as the  
2670 civil penalty is paid or may pursue enforcement of the penalty  
2671 in a court of competent jurisdiction. If an association fails to  
2672 pay the civil penalty, the division shall pursue enforcement in  
2673 a court of competent jurisdiction, and the order imposing the  
2674 civil penalty or the cease and desist order is not effective  
2675 until 20 days after the date of such order. Any action commenced  
2676 by the division shall be brought in the county in which the  
2677 division has its executive offices or in the county where the  
2678 violation occurred.

2679         7. If a unit owner presents the division with proof that  
2680 the unit owner has requested access to official records in  
2681 writing by certified mail, and that after 10 days the unit owner  
2682 again made the same request for access to official records in  
2683 writing by certified mail, and that more than 10 days has  
2684 elapsed since the second request and the association has still  
2685 failed or refused to provide access to official records as  
2686 required by this chapter, the division shall issue a subpoena  
2687 requiring production of the requested records where the records  
2688 are kept pursuant to s. 718.112. Upon receipt of the records,  
2689 the division must provide without charge the produced official  
2690 records to the unit owner who was denied access to such records.

2691         8. In addition to subparagraph 6., the division may seek  
2692 the imposition of a civil penalty through the circuit court for  
2693 any violation for which the division may issue a notice to show  
2694 cause under paragraph (s) ~~(r)~~. The civil penalty shall be at  
2695 least \$500 but no more than \$5,000 for each violation. The court  
2696 may also award to the prevailing party court costs and  
2697 reasonable attorney fees and, if the division prevails, may also

580-02351-24

20241178c1

2698 award reasonable costs of investigation.

2699 (e) The division may prepare and disseminate a prospectus  
2700 and other information to assist prospective owners, purchasers,  
2701 lessees, and developers of residential condominiums in assessing  
2702 the rights, privileges, and duties pertaining thereto.

2703 (f) The division may adopt rules to administer and enforce  
2704 this chapter.

2705 (g) The division shall establish procedures for providing  
2706 notice to an association and the developer, bulk assignee, or  
2707 bulk buyer during the period in which the developer, bulk  
2708 assignee, or bulk buyer controls the association if the division  
2709 is considering the issuance of a declaratory statement with  
2710 respect to the declaration of condominium or any related  
2711 document governing such condominium community.

2712 (h) The division shall furnish each association that pays  
2713 the fees required by paragraph (2) (a) a copy of this chapter, as  
2714 amended, and the rules adopted thereto on an annual basis.

2715 (i) The division shall annually provide each association  
2716 with a summary of declaratory statements and formal legal  
2717 opinions relating to the operations of condominiums which were  
2718 rendered by the division during the previous year.

2719 (j) The division shall provide training and educational  
2720 programs for condominium association board members and unit  
2721 owners. The training may, in the division's discretion, include  
2722 web-based electronic media and live training and seminars in  
2723 various locations throughout the state. The division may review  
2724 and approve education and training programs for board members  
2725 and unit owners offered by providers and shall maintain a  
2726 current list of approved programs and providers and make such

580-02351-24

20241178c1

2727 list available to board members and unit owners in a reasonable  
2728 and cost-effective manner. The division shall provide the  
2729 educational curriculum required under s. 718.112(2)(d) and issue  
2730 a certificate of satisfactory completion to directors of the  
2731 board of administration at no charge, including when the  
2732 required educational curriculum is provided by a division-  
2733 approved condominium education provider.

2734 (k) The division shall maintain a toll-free telephone  
2735 number accessible to condominium unit owners.

2736 (l) The division shall develop a program to certify both  
2737 volunteer and paid mediators to provide mediation of condominium  
2738 disputes. The division shall provide, upon request, a list of  
2739 such mediators to any association, unit owner, or other  
2740 participant in alternative dispute resolution proceedings under  
2741 s. 718.1255 requesting a copy of the list. The division shall  
2742 include on the list of volunteer mediators only the names of  
2743 persons who have received at least 20 hours of training in  
2744 mediation techniques or who have mediated at least 20 disputes.  
2745 In order to become initially certified by the division, paid  
2746 mediators must be certified by the Supreme Court to mediate  
2747 court cases in county or circuit courts. However, the division  
2748 may adopt, by rule, additional factors for the certification of  
2749 paid mediators, which must be related to experience, education,  
2750 or background. Any person initially certified as a paid mediator  
2751 by the division must, in order to continue to be certified,  
2752 comply with the factors or requirements adopted by rule.

2753 (m) If a complaint is made, the division must conduct its  
2754 inquiry with due regard for the interests of the affected  
2755 parties. Within 30 days after receipt of a complaint, the

580-02351-24

20241178c1

2756 division shall acknowledge the complaint in writing and notify  
2757 the complainant whether the complaint is within the jurisdiction  
2758 of the division and whether additional information is needed by  
2759 the division from the complainant. The division shall conduct  
2760 its investigation and, within 90 days after receipt of the  
2761 original complaint or of timely requested additional  
2762 information, take action upon the complaint. However, the  
2763 failure to complete the investigation within 90 days does not  
2764 prevent the division from continuing the investigation,  
2765 accepting or considering evidence obtained or received after 90  
2766 days, or taking administrative action if reasonable cause exists  
2767 to believe that a violation of this chapter or a rule has  
2768 occurred. If an investigation is not completed within the time  
2769 limits established in this paragraph, the division shall, on a  
2770 monthly basis, notify the complainant in writing of the status  
2771 of the investigation. When reporting its action to the  
2772 complainant, the division shall inform the complainant of any  
2773 right to a hearing under ss. 120.569 and 120.57. The division  
2774 may adopt rules regarding the submission of a complaint against  
2775 an association.

2776 (n) Condominium association directors, officers, and  
2777 employees; condominium developers; bulk assignees, bulk buyers,  
2778 and community association managers; and community association  
2779 management firms have an ongoing duty to reasonably cooperate  
2780 with the division in any investigation under this section. The  
2781 division shall refer to local law enforcement authorities any  
2782 person whom the division believes has altered, destroyed,  
2783 concealed, or removed any record, document, or thing required to  
2784 be kept or maintained by this chapter with the purpose to impair

580-02351-24

20241178c1

2785 its verity or availability in the department's investigation.  
2786 The division shall refer to local law enforcement authorities  
2787 any person whom the division believes has engaged in fraud,  
2788 theft, embezzlement, or other criminal activity or when the  
2789 division has cause to believe that fraud, theft, embezzlement,  
2790 or other criminal activity has occurred.

2791 (o) The division director or any officer or employee of the  
2792 division, and the condominium ombudsman or employee of the  
2793 Office of the Condominium Ombudsman may attend and observe any  
2794 meeting of the board of administration or unit owner meeting,  
2795 including any meeting of a subcommittee or special committee,  
2796 that is open to members of the association for the purpose of  
2797 performing the duties of the division or the Office of the  
2798 Condominium Ombudsman under this chapter.

2799 (p) The division may:

- 2800 1. Contract with agencies in this state or other  
2801 jurisdictions to perform investigative functions; or  
2802 2. Accept grants-in-aid from any source.

2803 (q) ~~(p)~~ The division shall cooperate with similar agencies  
2804 in other jurisdictions to establish uniform filing procedures  
2805 and forms, public offering statements, advertising standards,  
2806 and rules and common administrative practices.

2807 (r) ~~(q)~~ The division shall consider notice to a developer,  
2808 bulk assignee, or bulk buyer to be complete when it is delivered  
2809 to the address of the developer, bulk assignee, or bulk buyer  
2810 currently on file with the division.

2811 (s) ~~(r)~~ In addition to its enforcement authority, the  
2812 division may issue a notice to show cause, which must provide  
2813 for a hearing, upon written request, in accordance with chapter

580-02351-24

20241178c1

2814 120.

2815 (t) The division shall routinely conduct random audits of  
2816 condominium associations to determine compliance with the  
2817 website or application requirements for official records under  
2818 s. 718.111(12)(g).

2819 (u)~~(s)~~ The division shall submit to the Governor, the  
2820 President of the Senate, the Speaker of the House of  
2821 Representatives, and the chairs of the legislative  
2822 appropriations committees an annual report that includes, but  
2823 need not be limited to, the number of training programs provided  
2824 for condominium association board members and unit owners, the  
2825 number of complaints received by type, the number and percent of  
2826 complaints acknowledged in writing within 30 days and the number  
2827 and percent of investigations acted upon within 90 days in  
2828 accordance with paragraph (m), and the number of investigations  
2829 exceeding the 90-day requirement. The annual report must also  
2830 include an evaluation of the division's core business processes  
2831 and make recommendations for improvements, including statutory  
2832 changes. The report shall be submitted by September 30 following  
2833 the end of the fiscal year.

2834 (2)(a) Each condominium association which operates more  
2835 than two units shall pay to the division an annual fee in the  
2836 amount of \$4 for each residential unit in condominiums operated  
2837 by the association. The annual fee shall be filed together with  
2838 the annual certification described in paragraph (c). If the fee  
2839 is not paid by March 1, the association shall be assessed a  
2840 penalty of 10 percent of the amount due, and the association  
2841 will not have standing to maintain or defend any action in the  
2842 courts of this state until the amount due, plus any penalty, is

580-02351-24

20241178c1

2843 paid.

2844 (b) All fees shall be deposited in the Division of Florida  
2845 Condominiums, Timeshares, and Mobile Homes Trust Fund as  
2846 provided by law.

2847 (c) On the certification form provided by the division, the  
2848 directors of the association shall certify that all directors of  
2849 the association have completed the written certification and  
2850 educational certificate requirements in s. 718.112(2)(d)4.b.

2851 Section 20. Subsection (1) of section 718.618, Florida  
2852 Statutes, is amended to read:

2853 718.618 Converter reserve accounts; warranties.-

2854 (1) When existing improvements are converted to ownership  
2855 as a residential condominium, the developer shall establish  
2856 converter reserve accounts for capital expenditures and planned  
2857 ~~deferred~~ maintenance, or give warranties as provided by  
2858 subsection (6), or post a surety bond as provided by subsection  
2859 (7). The developer shall fund the converter reserve accounts in  
2860 amounts calculated as follows:

2861 (a)1. When the existing improvements include an air-  
2862 conditioning system serving more than one unit or property which  
2863 the association is responsible to repair, maintain, or replace,  
2864 the developer shall fund an air-conditioning reserve account.  
2865 The amount of the reserve account shall be the product of the  
2866 estimated current replacement cost of the system, as disclosed  
2867 and substantiated pursuant to s. 718.616(3)(b), multiplied by a  
2868 fraction, the numerator of which shall be the lesser of the age  
2869 of the system in years or 9, and the denominator of which shall  
2870 be 10. When such air-conditioning system is within 1,000 yards  
2871 of the seacoast, the numerator shall be the lesser of the age of

580-02351-24

20241178c1

2872 the system in years or 3, and the denominator shall be 4.

2873 2. The developer shall fund a plumbing reserve account. The  
 2874 amount of the funding shall be the product of the estimated  
 2875 current replacement cost of the plumbing component, as disclosed  
 2876 and substantiated pursuant to s. 718.616(3)(b), multiplied by a  
 2877 fraction, the numerator of which shall be the lesser of the age  
 2878 of the plumbing in years or 36, and the denominator of which  
 2879 shall be 40.

2880 3. The developer shall fund a roof reserve account. The  
 2881 amount of the funding shall be the product of the estimated  
 2882 current replacement cost of the roofing component, as disclosed  
 2883 and substantiated pursuant to s. 718.616(3)(b), multiplied by a  
 2884 fraction, the numerator of which shall be the lesser of the age  
 2885 of the roof in years or the numerator listed in the following  
 2886 table. The denominator of the fraction shall be determined based  
 2887 on the roof type, as follows:

Roof Type	Numerator	Denominator
a. Built-up roof without insulation	4	5
b. Built-up roof with insulation	4	5
c. Cement tile roof	45	50
d. Asphalt shingle roof	14	15



580-02351-24

20241178c1

2919 requirements of the then-applicable building code.

2920 (d) In addition to establishing the reserve accounts  
2921 specified above, the developer shall establish those other  
2922 reserve accounts required by s. 718.112(2)(f), and shall fund  
2923 those accounts in accordance with the formula provided therein.  
2924 The vote to waive or reduce the funding or reserves required by  
2925 s. 718.112(2)(f) does not affect or negate the obligations  
2926 arising under this section.

2927 Section 21. Paragraphs (j) and (k) of subsection (1) of  
2928 section 719.106, Florida Statutes, are amended to read:

2929 719.106 Bylaws; cooperative ownership.—

2930 (1) MANDATORY PROVISIONS.—The bylaws or other cooperative  
2931 documents shall provide for the following, and if they do not,  
2932 they shall be deemed to include the following:

2933 (j) *Annual budget*.—

2934 1. The proposed annual budget of common expenses must be  
2935 detailed and must show the amounts budgeted by accounts and  
2936 expense classifications, including, if applicable, but not  
2937 limited to, those expenses listed in s. 719.504(20). The board  
2938 of administration shall adopt the annual budget at least 14 days  
2939 before the start of the association's fiscal year. In the event  
2940 that the board fails to timely adopt the annual budget a second  
2941 time, it is deemed a minor violation and the prior year's budget  
2942 shall continue in effect until a new budget is adopted.

2943 2. In addition to annual operating expenses, the budget  
2944 must include reserve accounts for capital expenditures and  
2945 planned ~~deferred~~ maintenance. These accounts must include, but  
2946 not be limited to, roof replacement, building painting, and  
2947 pavement resurfacing, regardless of the amount of planned

580-02351-24

20241178c1

2948 ~~deferred~~ maintenance expense or replacement cost, and for any  
2949 other items for which the planned ~~deferred~~ maintenance expense  
2950 or replacement cost exceeds \$10,000. The amount to be reserved  
2951 must be computed by means of a formula which is based upon  
2952 estimated remaining useful life and estimated replacement cost  
2953 or planned ~~deferred~~ maintenance expense of the reserve item. In  
2954 a budget adopted by an association that is required to obtain a  
2955 structural integrity reserve study, reserves must be maintained  
2956 for the items identified in paragraph (k) for which the  
2957 association is responsible pursuant to the declaration, and the  
2958 reserve amount for such items must be based on the findings and  
2959 recommendations of the association's most recent structural  
2960 integrity reserve study. With respect to items for which an  
2961 estimate of useful life is not readily ascertainable or with an  
2962 estimated remaining useful life of greater than 25 years, an  
2963 association is not required to reserve replacement costs for  
2964 such items, but an association must reserve the amount of  
2965 planned ~~deferred~~ maintenance expense, if any, which is  
2966 recommended by the structural integrity reserve study for such  
2967 items. The association may adjust replacement reserve  
2968 assessments annually to take into account an inflation  
2969 adjustment and any changes in estimates or extension of the  
2970 useful life of a reserve item caused by planned ~~deferred~~  
2971 maintenance. The members of a unit-owner-controlled association  
2972 may determine, by a majority vote of the total voting interests  
2973 of the association, for a fiscal year to provide no reserves or  
2974 reserves less adequate than required by this subsection. Before  
2975 turnover of control of an association by a developer to unit  
2976 owners other than a developer under s. 719.301, the developer-

580-02351-24

20241178c1

2977 controlled association may not vote to waive the reserves or  
2978 reduce funding of the reserves. For a budget adopted on or after  
2979 December 31, 2024, a unit-owner-controlled association that must  
2980 obtain a structural integrity reserve study may not determine to  
2981 provide no reserves or reserves less adequate than required by  
2982 this paragraph for items listed in paragraph (k). If a meeting  
2983 of the unit owners has been called to determine to provide no  
2984 reserves, or reserves less adequate than required, and such  
2985 result is not attained or a quorum is not attained, the reserves  
2986 as included in the budget shall go into effect.

2987         3. Reserve funds and any interest accruing thereon shall  
2988 remain in the reserve account or accounts, and shall be used  
2989 only for authorized reserve expenditures unless their use for  
2990 other purposes is approved in advance by a vote of the majority  
2991 of the total voting interests of the association. Before  
2992 turnover of control of an association by a developer to unit  
2993 owners other than the developer under s. 719.301, the developer  
2994 may not vote to use reserves for purposes other than that for  
2995 which they were intended. For a budget adopted on or after  
2996 December 31, 2024, members of a unit-owner-controlled  
2997 association that must obtain a structural integrity reserve  
2998 study may not vote to use reserve funds, or any interest  
2999 accruing thereon, for purposes other than the replacement or  
3000 planned ~~deferred~~ maintenance costs of the components listed in  
3001 paragraph (k).

3002             (k) *Structural integrity reserve study.*—

3003         1. A residential cooperative association must have a  
3004 structural integrity reserve study completed at least every 10  
3005 years for each building on the cooperative property that is

580-02351-24

20241178c1

3006 three stories or higher in height, as determined by the Florida  
3007 Building Code, that includes, at a minimum, a study of the  
3008 following items as related to the structural integrity and  
3009 safety of the building:

3010 a. Roof.

3011 b. Structure, including load-bearing walls and other  
3012 primary structural members and primary structural systems as  
3013 those terms are defined in s. 627.706.

3014 c. Fireproofing and fire protection systems.

3015 d. Plumbing.

3016 e. Electrical systems.

3017 f. Waterproofing and exterior painting.

3018 g. Windows and exterior doors.

3019 h. Any other item that has a planned ~~deferred~~ maintenance  
3020 expense or replacement cost that exceeds \$10,000 and the failure  
3021 to replace or maintain such item negatively affects the items  
3022 listed in sub-subparagraphs a.-g., as determined by the visual  
3023 inspection portion of the structural integrity reserve study.

3024 2. A structural integrity reserve study is based on a  
3025 visual inspection of the cooperative property. A structural  
3026 integrity reserve study may be performed by any person qualified  
3027 to perform such study. However, the visual inspection portion of  
3028 the structural integrity reserve study must be performed or  
3029 verified by an engineer licensed under chapter 471, an architect  
3030 licensed under chapter 481, or a person certified as a reserve  
3031 specialist or professional reserve analyst by the Community  
3032 Associations Institute or the Association of Professional  
3033 Reserve Analysts.

3034 3. At a minimum, a structural integrity reserve study must

580-02351-24

20241178c1

3035 identify each item of the cooperative property being visually  
3036 inspected, state the estimated remaining useful life and the  
3037 estimated replacement cost or planned ~~deferred~~ maintenance  
3038 expense of each item of the cooperative property being visually  
3039 inspected, and provide a reserve funding schedule with a  
3040 recommended annual reserve amount that achieves the estimated  
3041 replacement cost or planned ~~deferred~~ maintenance expense of each  
3042 item of cooperative property being visually inspected by the end  
3043 of the estimated remaining useful life of the item. The  
3044 structural integrity reserve study may recommend that reserves  
3045 do not need to be maintained for any item for which an estimate  
3046 of useful life and an estimate of replacement cost cannot be  
3047 determined, or the study may recommend a planned ~~deferred~~  
3048 maintenance expense amount for such item. The structural  
3049 integrity reserve study may recommend that reserves for  
3050 replacement costs do not need to be maintained for any item with  
3051 an estimated remaining useful life of greater than 25 years, but  
3052 the study may recommend a planned ~~deferred~~ maintenance expense  
3053 amount for such item.

3054 4. This paragraph does not apply to buildings less than  
3055 three stories in height; single-family, two-family, or three-  
3056 family dwellings with three or fewer habitable stories above  
3057 ground; any portion or component of a building that has not been  
3058 submitted to the cooperative form of ownership; or any portion  
3059 or component of a building that is maintained by a party other  
3060 than the association.

3061 5. Before a developer turns over control of an association  
3062 to unit owners other than the developer, the developer must have  
3063 a turnover inspection report in compliance with s. 719.301(4)(p)

580-02351-24

20241178c1

3064 and (q) for each building on the cooperative property that is  
3065 three stories or higher in height.

3066 6. Associations existing on or before July 1, 2022, which  
3067 are controlled by unit owners other than the developer, must  
3068 have a structural integrity reserve study completed by December  
3069 31, 2024, for each building on the cooperative property that is  
3070 three stories or higher in height, except that the structural  
3071 integrity reserve study may be completed after December 31,  
3072 2024, if the association has entered into a contract for the  
3073 performance of a structural integrity reserve study and the  
3074 study cannot reasonably be performed or completed by December  
3075 31, 2024. An association that is required to complete a  
3076 milestone inspection on or before December 31, 2026, in  
3077 accordance with s. 553.899 may complete the structural integrity  
3078 reserve study simultaneously with the milestone inspection. In  
3079 no event may the structural integrity reserve study be completed  
3080 after December 31, 2026.

3081 7. If the milestone inspection required by s. 553.899, or  
3082 an inspection completed for a similar local requirement, was  
3083 performed within the past 5 years and meets the requirements of  
3084 this paragraph, such inspection may be used in place of the  
3085 visual inspection portion of the structural integrity reserve  
3086 study.

3087 8. If the officers or directors of an association willfully  
3088 and knowingly fail to complete a structural integrity reserve  
3089 study pursuant to this paragraph, such failure is a breach of an  
3090 officer's and director's fiduciary relationship to the unit  
3091 owners under s. 719.104(9).

3092 9. Within 45 days after receiving the structural integrity

580-02351-24

20241178c1

3093 reserve study, the association must distribute a copy of the  
3094 study to each unit owner or deliver to each unit owner a notice  
3095 that the completed study is available for inspection and copying  
3096 upon a written request. Distribution of a copy of the study or  
3097 notice must be made by United States mail or personal delivery  
3098 at the mailing address, property address, or any other address  
3099 of the owner provided to fulfill the association's notice  
3100 requirements under this chapter, or by electronic transmission  
3101 to the e-mail address or facsimile number provided to fulfill  
3102 the association's notice requirements to unit owners who  
3103 previously consented to receive notice by electronic  
3104 transmission.

3105 Section 22. Section 719.129, Florida Statutes, is amended  
3106 to read:

3107 719.129 Electronic voting.—The association may conduct  
3108 elections and other unit owner votes through an Internet-based  
3109 online voting system if a unit owner consents, electronically or  
3110 in writing, to online voting and if the following requirements  
3111 are met:

3112 (1) The association provides each unit owner with:

3113 (a) A method to authenticate the unit owner's identity to  
3114 the online voting system.

3115 (b) For elections of the board, a method to transmit an  
3116 electronic ballot to the online voting system that ensures the  
3117 secrecy and integrity of each ballot.

3118 (c) A method to confirm, at least 14 days before the voting  
3119 deadline, that the unit owner's electronic device can  
3120 successfully communicate with the online voting system.

3121 (2) The association uses an online voting system that is:

580-02351-24

20241178c1

3122 (a) Able to authenticate the unit owner's identity.

3123 (b) Able to authenticate the validity of each electronic  
3124 vote to ensure that the vote is not altered in transit.

3125 (c) Able to transmit a receipt from the online voting  
3126 system to each unit owner who casts an electronic vote.

3127 (d) For elections of the board of administration, able to  
3128 permanently separate any authentication or identifying  
3129 information from the electronic election ballot, rendering it  
3130 impossible to tie an election ballot to a specific unit owner.

3131 (e) Able to store and keep electronic votes accessible to  
3132 election officials for recount, inspection, and review purposes.

3133 (3) A unit owner voting electronically pursuant to this  
3134 section shall be counted as being in attendance at the meeting  
3135 for purposes of determining a quorum. A substantive vote of the  
3136 unit owners may not be taken on any issue other than the issues  
3137 specifically identified in the electronic vote, when a quorum is  
3138 established based on unit owners voting electronically pursuant  
3139 to this section.

3140 (4) This section applies to an association that provides  
3141 for and authorizes an online voting system pursuant to this  
3142 section by a board resolution. The board resolution must provide  
3143 that unit owners receive notice of the opportunity to vote  
3144 through an online voting system, must establish reasonable  
3145 procedures and deadlines for unit owners to consent,  
3146 electronically or in writing, to online voting, and must  
3147 establish reasonable procedures and deadlines for unit owners to  
3148 opt out of online voting after giving consent. Written notice of  
3149 a meeting at which the resolution will be considered must be  
3150 mailed, delivered, or electronically transmitted to the unit

580-02351-24

20241178c1

3151 owners and posted conspicuously on the condominium property or  
3152 association property at least 14 days before the meeting.  
3153 Evidence of compliance with the 14-day notice requirement must  
3154 be made by an affidavit executed by the person providing the  
3155 notice and filed with the official records of the association.

3156 (5) A unit owner's consent to online voting is valid until  
3157 the unit owner opts out of online voting pursuant to the  
3158 procedures established by the board of administration pursuant  
3159 to subsection (4).

3160 (6) This section may apply to any matter that requires a  
3161 vote of the unit owners who are not members of a timeshare  
3162 cooperative association.

3163 Section 23. Paragraph (p) of subsection (4) of section  
3164 719.301, Florida Statutes, is amended to read:

3165 719.301 Transfer of association control.—

3166 (4) When unit owners other than the developer elect a  
3167 majority of the members of the board of administration of an  
3168 association, the developer shall relinquish control of the  
3169 association, and the unit owners shall accept control.  
3170 Simultaneously, or for the purpose of paragraph (c) not more  
3171 than 90 days thereafter, the developer shall deliver to the  
3172 association, at the developer's expense, all property of the  
3173 unit owners and of the association held or controlled by the  
3174 developer, including, but not limited to, the following items,  
3175 if applicable, as to each cooperative operated by the  
3176 association:

3177 (p) Notwithstanding when the certificate of occupancy was  
3178 issued or the height of the building, a turnover inspection  
3179 report included in the official records, under seal of an

580-02351-24

20241178c1

3180 architect or engineer authorized to practice in this state or a  
3181 person certified as a reserve specialist or professional reserve  
3182 analyst by the Community Associations Institute or the  
3183 Association of Professional Reserve Analysts, consisting of a  
3184 structural integrity reserve study attesting to required  
3185 maintenance, condition, useful life, and replacement costs of  
3186 the following applicable cooperative property:

- 3187 1. Roof.
- 3188 2. Structure, including load-bearing walls and primary  
3189 structural members and primary structural systems as those terms  
3190 are defined in s. 627.706.
- 3191 3. Fireproofing and fire protection systems.
- 3192 4. Plumbing.
- 3193 5. Electrical systems.
- 3194 6. Waterproofing and exterior painting.
- 3195 7. Windows and exterior doors.

3196 Section 24. Subsection (1) of section 719.618, Florida  
3197 Statutes, is amended to read:

3198 719.618 Converter reserve accounts; warranties.—

3199 (1) When existing improvements are converted to ownership  
3200 as a residential cooperative, the developer shall establish  
3201 reserve accounts for capital expenditures and planned ~~deferred~~  
3202 maintenance, or give warranties as provided by subsection (6),  
3203 or post a surety bond as provided by subsection (7). The  
3204 developer shall fund the reserve accounts in amounts calculated  
3205 as follows:

3206 (a)1. When the existing improvements include an air-  
3207 conditioning system serving more than one unit or property which  
3208 the association is responsible to repair, maintain, or replace,

580-02351-24

20241178c1

3209 the developer shall fund an air-conditioning reserve account.  
 3210 The amount of the reserve account shall be the product of the  
 3211 estimated current replacement cost of the system, as disclosed  
 3212 and substantiated pursuant to s. 719.616(3)(b), multiplied by a  
 3213 fraction, the numerator of which shall be the lesser of the age  
 3214 of the system in years or 9, and the denominator of which shall  
 3215 be 10. When such air-conditioning system is within 1,000 yards  
 3216 of the seacoast, the numerator shall be the lesser of the age of  
 3217 the system in years or 3, and the denominator shall be 4.

3218 2. The developer shall fund a plumbing reserve account. The  
 3219 amount of the funding shall be the product of the estimated  
 3220 current replacement cost of the plumbing component, as disclosed  
 3221 and substantiated pursuant to s. 719.616(3)(b), multiplied by a  
 3222 fraction, the numerator of which shall be the lesser of the age  
 3223 of the plumbing in years or 36, and the denominator of which  
 3224 shall be 40.

3225 3. The developer shall fund a roof reserve account. The  
 3226 amount of the funding shall be the product of the estimated  
 3227 current replacement cost of the roofing component, as disclosed  
 3228 and substantiated pursuant to s. 719.616(3)(b), multiplied by a  
 3229 fraction, the numerator of which shall be the lesser of the age  
 3230 of the roof in years or the numerator listed in the following  
 3231 table. The denominator of the fraction shall be determined based  
 3232 on the roof type, as follows:

3233

	Roof Type	Numerator	Denominator
3234	a. Built-up roof without insulation	4	5

580-02351-24

20241178c1

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b.	Built-up roof with insulation	4	5
c.	Cement tile roof	45	50
d.	Asphalt shingle roof	14	15
e.	Copper roof		
f.	Wood shingle roof	9	10
g.	All other types	18	20

(b) The age of any component or structure for which the developer is required to fund a reserve account shall be measured in years from the later of:

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

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

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

580-02351-24

20241178c1

3256 verifying:

3257 1. The date of the replacement or renewal; and

3258 2. That the replacement or renewal at least met the  
3259 requirements of the then-applicable building code.

3260 Section 25. The Division of Florida Condominiums,  
3261 Timeshares, and Mobile Homes of the Department of Business and  
3262 Professional Regulation shall complete a review of the website  
3263 or application requirements for official records under s.  
3264 718.111(12)(g), Florida Statutes, and make recommendations  
3265 regarding any additional official records of a condominium  
3266 association that should be included in the record maintenance  
3267 requirement in the statute. The division shall submit the  
3268 findings of its review to the Governor, the President of the  
3269 Senate, the Speaker of the House of Representatives, and the  
3270 chairs of the legislative appropriations committees and  
3271 appropriate substantive committees with jurisdiction over  
3272 chapter 718, Florida Statutes, by February 1, 2025.

3273 Section 26. Except as otherwise expressly provided in this  
3274 act, this act shall take effect July 1, 2024.